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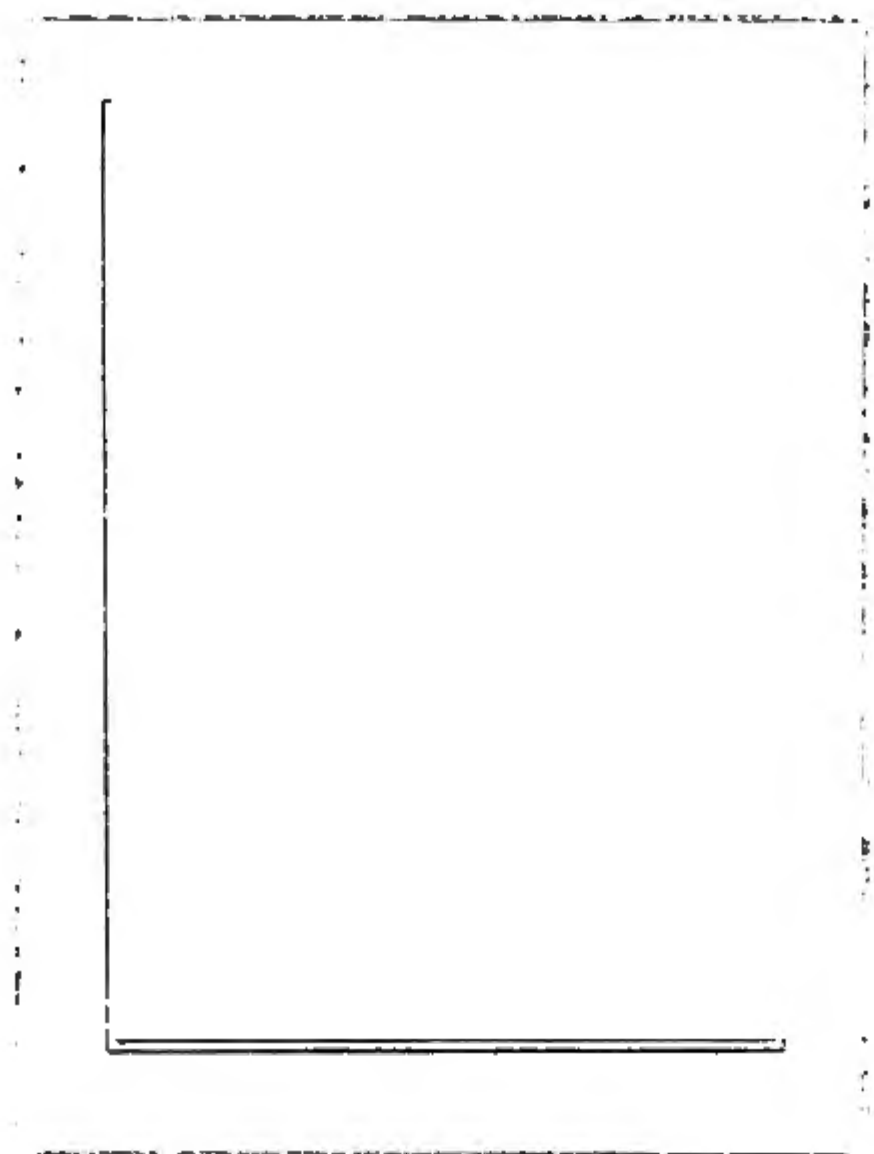
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# DOCUMENTS

OF THE

# ASSEMBLY OF THE STATE OF NEW YORK.

## ONE HUNDRED AND FIFTH SESSION,

## 1882.

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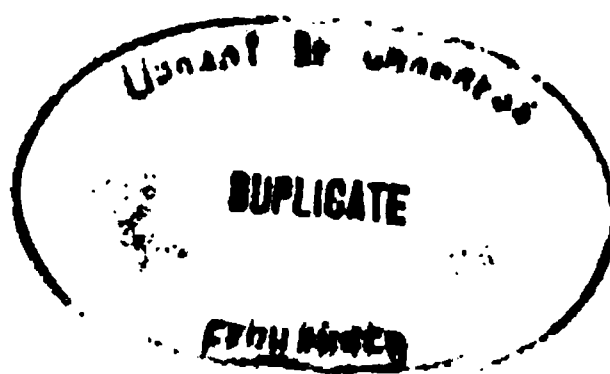
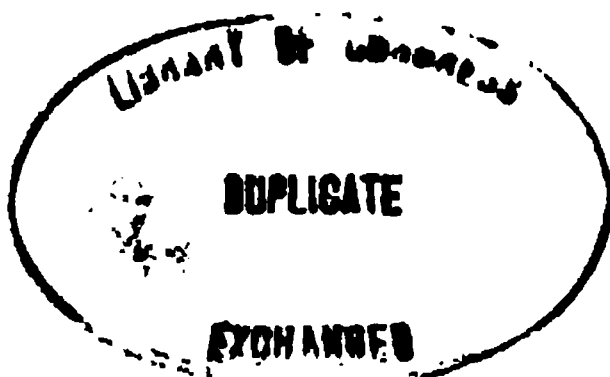
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IN ASSEMBLY,

APRIL 24, 1882.

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TWELFTH REPORT

OF THE COMMISSIONERS OF FISHERIES OF THE STATE  
OF NEW YORK.

NEW HARTFORD, *April* 10, 1882.

HON. CHARLES E. PATTERSON,

*Speaker of the Assembly :*

SIR — I have the honor to transmit herewith the Twelfth Report of  
the Commissioners of Fisheries.

I am sir, respectfully,

Your obedient servant,

RICHARD U. SHERMAN,

*Secretary.*

[Assem. Doc. No. 89.]

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# REPORT

OF THE

COMMISSIONERS OF FISHERIES OF THE STATE OF NEW YORK FOR THE TWO YEARS ENDING DECEMBER 31, 1881, AND TO MARCH 1, 1882.

*To the Legislature of the State of New York:*

The Commissioners of Fisheries present herewith their twelfth report:

## SKETCH OF PISCICULTURE:

The science of pisciculture which now engages so much attention is not altogether a new one. The Chinese had an inkling of it ages ago. It is stated that in the fourteenth century, a monk in Europe hatched, by an artificial process, some fish eggs; but whether they were taken impregnated from the water where they were naturally cast, or by artificial means, we are not told. The first authentic case of artificial impregnation is credited to an officer in the Prussian army—Lieutenant Jacobi—the result of whose experiments were published in 1763. No further advance seems to have been made in this science for nearly a hundred years, when a fisherman named Remy, in German-France, was so successful with artificial impregnation that in 1851 the French government, whose interest had become enlisted, established the extensive hatchery, still in operation at Hunningen, now in the jurisdiction of Germany.

From these small beginnings, the science has spread to nearly all civilized nations.

On the American continent, attention was first practically drawn to this subject by the alarming decrease of shad in rivers where before, they had existed in such plenty as, in their season, to furnish large populations with cheap, abundant and wholesome nitrogenous food.

Experiments were tried with varying success, previous to 1867, to hatch in the Connecticut river the spawn of artificially striped shad, but the right methods were not hit upon until Seth Green, who had been an enthusiastic fisherman from his boyhood, and a watchful investigator for many years of the secrets of the finny tribes, solved the problem. His method was to depress one end of the hatching boxes, so that when anchored in the stream, that end should dip lower than the other. The current striking the lower or depressed end received a recoil which gave and kept up a sort of rotary motion to the eggs.

This was akin to the motion which the eggs received when naturally cast in the open water, and the device proved to be the correct one. The further discovery that in order to preserve the newly-hatched fry from finny depredators they must be deposited out from the shores where predaceous fish watch for their prey, revealed the whole secret, and made the multiplication of shad an operation as certain as the propagation of blackberries, and gave to the world a theme of wonderment scarcely less than that of the miracle by which the multitude was fed by "five loaves and three small fishes."

This has put the cart before the horse. The Holton box is on the principle of the shad box, and is only a modification of Mr. Green's invention, which is at the base, etc.

Important improvements, it is claimed, have been made in the first successful methods, but the principle remains the same. The rotary ebullition, in harmony with the effects of the natural deposit of spawn in currents, is still maintained in all successful processes, and this, applied in the Holton box, patented by an employee of the New York hatchery who subsequently lost his life in his zeal to serve the State, is at the base of all the methods now employed for the hatching of shad, white fish, trout and salmon eggs. The principle of this invention is to keep up a flow of water from the bottom of the box, jar or other vessel containing the eggs.

As the hatching season of our native eastern varieties of trout and white fish occurs in the cold months, and is consequently of long duration, the artificial process is required to be performed under shelter, and with such conditions of skill and watchfulness as are not needed for shad and some other varieties of ocean fish that visit the fresh water only to spawn. These, breeding in the spring and early summer when the water is of comparatively high temperature, are brought forth by more simple methods and in a space of time which limits the production only to the amount of spawn to be procured.

Some fresh water fish, as particularly the bass, have not been brought within the purview of artificial culture, as in their case the processes of nature seem sufficient to maintain the stock in reasonable plenty. The spawn of this family has a glutinous coating and adheres to water plants and sticks, where it is deposited in carefully selected places, and the eggs and fry are watched with nearly the same vigilant care that a hen bestows on her young brood. The result is, few perish in infancy, and as a mature bass casts from twenty to forty thousand spawn at her annual deposit, little is needed in stocking with this kind of fish, but that the water should be pure and the supply of appropriate food sufficient.

Fish of the salmon tribe, which includes all varieties of the trout, show no such providence in the care of their eggs and the rearing of their young. When the fish of this species reach the spawning season, they seek some clean sand or gravel bed in a clear running stream where there are springs coming up from the bottom, and having scooped out a place, the female casts her spawn, which is immediately impregnated with the milt of the accompanying male, cast over it. Then the bed is slightly covered with sand or gravel and the deposit is left to its fate. The pair, with an economy hardly consistent with the waste afterward made, devour all spawn that has been omitted in the covering process, and proceed to other business. The next day, per-

haps, another pair, in prospecting for a spawning place, discover this bed, and approving its fitness proceed ruthlessly to scratch up the deposit of their predecessors and cast their own in its place. The upturned spawn they considerately appropriate for lunch. How many times this may be repeated in a spawning season can be ascertained only by one who will spend several days' vigil at a trout stream in spawning time.

But even if the spawn be spared from this destruction, there are other dangers which constantly threaten. A sudden rise of the stream may so foul the water that the spawn are, as it were, strangled, or it is washed from its place of deposit by floods and becomes the prey of fish or of birds that feed in water. And even when the hazards of hatching are passed, and the young fry have emerged from their filmy coverings, they are hampered in their movements by the yolk sac from which they draw sustenance for the first few weeks of their existence. This to the fish, though necessary to its life, is a common cause of its death. The sac is as great an impediment to free movement in the fish as a ball and chain is to the culprit to whose leg it is attached. Where predaceous fish abound, millions of trout, produced by natural means, are annually devoured in the streams where they are hatched, by one or another of the predaceous tribes. And when the floods come, as they frequently do when the fry are in a helpless state, millions more are destroyed by the fouling of the waters. It is estimated by close observers, that of every one hundred trout spawn naturally cast, only one per cent hatch and live to a stage where they are exempt from the most common accidents. And herein is illustrated the marvelous value of artificial culture. In a well-conducted hatching-house, ninety-five per cent of the spawn is quite certain to hatch, and as the young fry are kept out of harm's way until they become of an age when they can be trusted to take care of themselves, nearly all that are hatched survive, and if they are deposited in water suited to their nature, the larger portion become mature fish worthy the angler's best art and capable of indefinitely multiplying and replenishing the waters with their kind.

These statements, and many more which are given in this paper, have no merit of novelty, and are brought in only for the reason that pisciculture now so extensively commands public attention, that many may here read of them for the first time and be interested as those, to whom they are old stories, were once interested.

The first public organizations to promote pisciculture in this country were made in New England. Massachusetts leading, Connecticut next following; fish commissions, to a certain extent co-operative, were established in the eastern States soon after the close of the war of the rebellion. The New York Commission was established by an act of the legislature (chapter 285, Laws of 1868) in 1868. Three commissioners, viz.: Horatio Seymour, Robert B. Roosevelt and Seth Green, were appointed by this act; and it was made their duty "to examine the various rivers, lakes and streams of the State of New York and the waters adjoining the same, with a view of ascertaining whether they can be rendered more productive of fish, and what measures are desirable to effect this object, either in restoring the production of fish in them or in protecting and propagating the fish that at present frequent them, or otherwise."

The result of the examinations made by the commissioners was submitted to the legislature in a report made March 9, 1869. In the last-mentioned year practical operations in fish hatching were commenced under the directions of Seth Green, who had relinquished his place as a commissioner in order that his whole time might be given to the active work. The first movements were with shad, of which fifteen millions were that year hatched and successfully planted in the Hudson river. A much larger production might have been made but for the difficulty of procuring spawning fish. This was caused by the unchecked use of all kinds of nets for the capture of shad for the market.

Something was done the same year with white fish. A considerable amount of spawn was procured, which, when properly packed in boxes made for the purpose, was distributed to such parties as would take the pains to hatch it. Enough, however, was retained for trial at the private hatchery then owned by Mr. Green, to establish the fact that the spawn could be readily and rapidly hatched with very simple appliances. These were the first white fish hatched by artificial means. Now the production of the hatcheries on the great lakes alone is one hundred millions per annum.

The shad culture was continued each year with excellent success, until 1881, when the failure of the Governor to give his approval to the usual appropriation left the commission, for that year, without the means to prosecute this work. Twelve years, however, of liberal stocking have proved the value of artificial culture. Shad, which previous to the time when its artificial hatching was commenced, had risen in market, in consequence of scarcity, to the price of a luxury. The fish are now so plentiful that, in their season, they are the leading food-fish of the masses.

The hatching of salmon trout early received the attention of the commission. At first, the spawn taken from large fish in Lake Ontario were distributed to private hatcheries; but gradually, as the facilities were increased, the hatching was established at Caledonia. In time, a handsome supply of stock fish, salmon trout and brook trout accumulated from fry retained and from additions of brook trout, caught in adjacent trout waters. With the exception of salmon trout, for the principal supply of which the commission depends upon spawn from Canadian waters, these stock fish furnish all that is needed. Indeed, there has become, lately, a surplus for free distribution, or for exchange with other commissions.

The distribution of black and Oswego bass has been from the first an important element in the commission's work. For obtaining the stock, they have had very convenient facilities. The descent of the canal, from Lake Erie eastward, brings down large quantities of bass and other fish from the lake. Within the corporate limits of the city of Rochester is a widening of the canal channel half a mile long, sixty rods wide, with fourteen feet depth of water at the deepest when the canal is full. In the winter and early spring thousands of bass and other fish gather in this reservoir, and when the water is drawn down they are left in pools from which there is no free escape till the water rises. The fish are taken from these pools in nets and stored in fish boats anchored in clear water till wanted for distribution. It has been found that the fish bear transportation better after a few days' confinement. They are then less restive than when first caught.

This simple source of supply has sufficed to stock nearly all the principal streams and lakes in this State adapted to bass, and the rapid multiplication by natural means in these waters has done a great work at comparatively small cost.

From this source, also, has come the general diffusion of bull heads in our inland waters. This fish, though occupying an humble rank in the scale of fishes, is yet, as a food fish, one of the most useful. When reared in clear, cold water his sweetness of flavor makes him worthy the epicure's notice; while his general distribution, the ease with which he multiplies his race without artificial adjuncts, his hardiness, and the low price for which he may be furnished in the market makes him especially the fish for the millions. There is something of contemplative interest in the habits of this fish touching the reproduction of his kind which gives him claim to greater consideration than he enjoys. When the spawning time approaches, the female bull head scoops out a hole or burrow, generally in the bank of the pond or stream she inhabits, in clay or marl, if either are to be found. When this is ready, the male and female fish enter together, and the spawn is cast and impregnated. The pair remain in and about the nest, carefully guarding the spawn. This hatches, usually, in five or six days. The young swarm about the mother like chickens around the parent hen, and she protects them with diligence and courage till they are able to shift for themselves, which is generally at the age of three weeks. This care accounts for the rapid increase of these fish in every suitable place. They will thrive in water of high or moderate temperature as well as in that which is cold; but the colder and purer the water, the better will be the fish. They will not do well, however, in small streams or bodies of water; but in deep, still streams, or in large lakes or ponds, where once they gain a foothold, their eradication, even if desired, is next to impossible. A marked instance of what may be done in stocking with bull heads waters not before inhabited by them is furnished in the case of Chautauqua lake, a body of water twenty or more miles long, and visited as a pleasure resort, perhaps more than any other of our inland waters. In the years 1873 and 1874 six hundred bull heads from the commission's stock were placed in this lake. So great has become the increase that an amateur, with no pretensions to skill, may, with the most ordinary tackle, take a water-bucket full in a half day's fishing.

The mode used at Rochester to procure a supply of the coarser class of fishes might be copied with advantage at other points along the line of the Erie canal, and from such points as centers of distribution, interior waters might be liberally stocked with good fish now unknown to them.

An example of what may be done in this respect is furnished in the considerate enterprise of some gentlemen of Utica who have been wont in times of leisure to visit Oriskany creek, a few miles distant, for bass fishing. The waters of this stream have been in recent times diverted to the Erie canal as a means of adding to the supply on the long level between Utica and Syracuse. Where the feeder enters the canal, there are depressions caused, probably, by the force of the current, where in low water thousands of fish are left to perish or become the prey of unscrupulous poachers. Among these fish are many bass, the progeny of those which the commission have for several years caused to be



planted in the stream above. The gentlemen referred to made application to the commissioners the present winter for permission to have a net at this point for the purpose of rescuing these valuable fish from destruction and restoring them to points above where they would do the most good. Furnished with the desired authority, they took from this spot, in the month of March, six bushels of bass, and deposited them miles above, in the main stream, where their reproduction for this year alone will increase the stock several millions. The names of the gentlemen who have done this useful work are B. J. Hawley, J. R. Jones and S. Fisher; and it is but simple justice that their provident act should be noticed in this report.

The same means applied at either of the many points where feeders from the pure waters of the hills enter the canal may be used to stock interior waters and thus afford both sport and wholesome fresh fish food to many people who in Lent and on other fast days are forced to do penance on salt cod, siscoes and mackerel.

A similar method to save waste and stock interior waters is used by the fish commissioners of the State of Iowa, where each spring when the high waters subside in the Mississippi, a steam tug is employed, to convey the fish rescued from sloughs, and holes and temporary depressions, to points where they may be distributed to interior waters, and utilized; when otherwise, they would not only go to waste but become a fruitful source of disseminating malarial poison.

#### THE CALEDONIA HATCHING ESTABLISHMENT.

Up to the year 1875, the practical operations of the New York commission, in all except shad, were conducted on leased premises. They were the same on which Seth Green started his hatching-house before the commission was established.

There was one small hatching-house on the ground which was devoted principally to the propagation of the salmon trout. It was supplied with artificial ponds and with a fair equipment of hatching appliances. The urgent demand for speckled trout for free distribution in public waters induced the legislature, in the year last stated, to make an appropriation for the purchase of a site and the permanent establishment of a hatchery by the State. No site comparable with the one in use came under the observation of the commissioners, and accordingly a purchase was made of this, at a cost sufficiently within the appropriation of fourteen thousand dollars, to permit also the erection of a larger and more completely equipped hatching-house.

The site chosen is believed, all things considered, the best that could have been selected. It is within one mile's distance of the stations, respectively, of the Rochester branch of the New York and Erie, and Rochester and Pittsburg railroads, thus affording by its connections with the Central and other interior roads on the north, and the main line and branches of the Erie on the south, the best obtainable facilities for the distribution of fish to all sections of the State.

The Caledonia creek, on which it is situated, possesses not only the requisites of a first-class trout stream, but is, in its peculiarities, one of the wonders of nature. Scarcely a mile in length, it has a volume of water sufficient for the daily supply of a quarter of million of people. Its source is in so-called springs, which rise from the ground in volumes, in some places, of the diameter of a barrel. The water

shed immediately adjoining the stream is so limited that the amount of surface water flowing into it is too inconsiderable to affect either its purity or its temperature. Speculation has been long exercised to account for the peculiar features of this stream. It is evidently the outward continuation of a great underground stream receiving its supply from some other external water miles distant. The popular theory is this: Allen's creek, a considerable stream which rises in the county of Allegany, flows northward, and has its outlet in the Genesee river above Rochester. The Caledonia creek enters Allen's in the village of Mumford, a short mile's distance from the hatchery, and but a little over a mile from the head springs. The country is what is known as a limestone region. Ledges of limestone lie under the surface of the ground, and in many places under the bed of the creek. As is often the case where limestone abounds, extensive caverns are supposed to exist in the rock. Six miles above the point where Caledonia creek enters the Allen stream, the water in midsummer often wholly disappears from its rocky bed. It is supposed it falls into the caverns in the rock, and after an underground passage of several miles, reappears in the springs which are the apparent source of Caledonia creek, and traversing that stream to its mouth are restored to Allen's creek. The water in its underground passage is kept at a low temperature and receives an additional impregnation of lime, with which it is found always largely charged. The theory of the underground passage is strengthened by the fact that when the water is lowest at the point where it disappears, the springs at the head of Caledonia creek discharge with nearly the same freedom as in seasons of wet.

The temperature of the water is not greatly affected by the seasons. In November it usually stands at forty-two degrees. In January it sinks to thirty-nine degrees, and in summer rarely exceeds sixty degrees, and never freezes at any season. The head springs remain uniform at fifty degrees.

The stream has another peculiarity that especially adapts it to the healthy and generous production of trout. This is the abundance of the crustaceous and insect food which abounds in it, and which, above all other sustenance, attract the trout. Water cresses grow spontaneously in the creek and about its shores. These and the mosses native to the stream, not only afford shelter to the trout, but are the rendezvous of myriads of shrimp, caddis worms, miller's thumbs, snails, water insects and other living things which trout especially crave for food, and which give to their flesh that flavor and consistence which so distinguishes this class of the salmon family.

An exhaustive report on the "insects and other animal forms of Caledonia creek," by Professor J. A. Lintner of the State Museum of Natural History, will be found in the appendix to the report of the New York Commission for 1878, and is a valuable contribution to science. The report of Professor Peck, on the "plants of Caledonia creek," contained in the same volume, will also be found useful to the seekers of piscatorial knowledge.

The Caledonia purchase includes about six acres of land and water, and is quite sufficient in extent for all the necessary purposes of the commission. The water immediately above the hatching ponds has a slight fall or rapid, to which an additional elevation is given by a tim-

ber dam. This gives through the artificial ponds and through the hatchery buildings a discharge copious and free. During the last year it was found necessary to rebuild the artificial ponds, the timber lining of the old ones having become much decayed, and some changes in form and size being desirable. The work was done mostly by the regular employees of the hatchery at times when interior work was not necessary. The whole cost of material and labor were about eight hundred dollars.

The grounds are not inclosed, as grounds devoted to such a purpose should be. When the great Capitol at Albany shall be completed and the drain from the public purse for works of folly shall cease, it is to be hoped that a few hundred dollars may be spared to build a fence about the State's fish farm, so that the property may enjoy the security which private grounds have. For the present, a corps of watchful dogs, headed by a venerable and colossal Newfoundland, do picket duty on the State's estate, and warn by their "deep mouthed bay," poachers and other depredators of what may happen to malicious trespassers.

As a further security to the State's important interest, a small but sufficient dwelling-house is maintained on the premises, in which the local superintendent resides, so that the grounds may be never left unguarded. The expense of maintaining this establishment is very inconsiderable compared with the benefit. It rarely exceeds for supplies and household labor thirty dollars per month.

The buildings of the hatchery comprise, in addition to this dwelling-house and the two hatching-houses, a large ice-house, which is necessary in the mild months to keep from spoiling the large amount of animal food necessary for the supply of the stock fish.

The capacity of the hatchery is six millions of fry per year, and this year it will be worked to its maximum. Indeed the supply for the present season is greater than we could hatch. In view of this fact the superintendent gave notice in January that he would furnish to any responsible applicant who had the means to hatch them, three hundred to five hundred spawn of the California trout, on payment of simply packing expenses. This offer has brought responses from every State in the Union, — even from far off California, where the stock originated, and thus we have been enabled, from our abundance, to supply new territories and to replenish the parent source with a stock which we believe to be altogether the most valuable now engaging the attention of pisciculturists.

There are on the grounds of the hatchery thirty-five artificial ponds for stock fish, as follows.

Sixteen for California trout.

Two for McCloud river trout.

Ten for brook trout.

Two for salmon trout.

One for hybrids.

One ornamental pond for golden carp, and three small ponds for German carp and other fish kept in store.

These ponds are simply oblong excavations in the earth, three to four feet deep and of varying lateral dimensions, lined and bottomed with hemlock plank and supplied with screens so that the whole body of water may be drawn off without removing the fish ; thus affording the opportunity of daily cleansing, which is of considerable importance

in view of the large amount of animal food that sometimes sinks to the bottom and remains unconsumed. At the head of each pond occupied by spawning fish is a race-way with a movable cover and a good gravel bottom. The fish, when ready, enter this race-way and seek a place where they may cast their spawn. They are always mated at this stage, so that a male accompanies the female to perform his part of the office of reproduction. There are sometimes contests among the males for the favor of the female, which in fierceness and desperation rival the combats which occur under similar circumstances with the quadruped and feathered races.

When the fish are wanted for stripping a bag net is fitted to the race-way so as to cover its entire mouth, the lids of the race-way are raised and the fish driven down the passage to the mouth and into the net. They are taken out and deposited in tubs of fresh water and taken to the hatchery for stripping.

An experienced manipulator can tell, almost at sight in the water, which fish are ripe. These are taken out delicately and immediately subjected to the stripping process. Should the fish struggle in such a manner as to be liable to injury it is gently placed back in the water, and the effort is renewed with greater care after a less nervous fish has been disposed of. The spawn is pressed out of the ovarian passage, by a gentle movement from front to rear, into a pan. The milt of the male is expressed in a similar manner and falls on the spawn. When a sufficient quantity has been gathered in the pan, it is gently shaken and stirred so that the milt is brought in contact with every part of the spawn. Formerly water was put in with the milt and spawn to facilitate impregnation; but experience has shown that what is known as the dry process is the best. The theory of impregnation is this: The milt is a body consisting of millions of spermatozoa, or living animalcule which, till they enter the spawn, are in a state of constant activity. In each egg or particle of spawn is a small opening, into which one or more of the spermatozoa which swarm about the egg enters. The opening immediately closes and the impregnation is completed. Very soon after, changes appear in the egg. It loses its flesh color and puts on a pearly aspect, by which it is recognized as a vital egg; the embryo of a live fish. Frequently, when the eggs hatch, there will be found many deformed fry, generally monsters with double heads, which soon perish. These are supposed to be the result of the occupation of the egg by more than one of the spermatozoa. It has been observed that the greater proportion of monsters and deformed fry come from hybrid eggs.

When the eggs become impregnated, in the manner described, they are transferred to trays which fit in hatching-cases, there being twelve to fifteen trays to each case. These are placed in troughs. The water is admitted at the bottom and passing in a current through the layers of spawn escapes at the top. The effect is the same as when the spawn have been naturally-cast in spring currents. Each day the contents of the trays are carefully inspected, and any dead spawn found removed. This is readily recognized by its opaque appearance and by its loss of gravity causing it to rise to the surface.

The fry, when hatched, which in the case of trout is usually about ten weeks, pass to or are deposited in shallow troughs with gravel bottoms, where they lay, usually quiescent, till the yolk sac is absorbed,

which is about the fifth week. Each day they are carefully inspected, and the dead, if there are any, removed. When the yolk sac is gone the fry are transferred to the boxes with screened bottoms, which are anchored in the open water. The fry are then ready for distribution, and if kept longer in the boxes require feeding with blood or some other minute animal substance.

#### STOCK FISH AT CALEDONIA.

The present supply of stock fish at the hatchery is about as follows:

*Salmon trout* — One thousand, of various weights, from four to twelve pounds, and of ages ranging from six to ten years.

*Brook trout* — Ten thousand, ranging from one-half pound to two pounds in weight, and of ages from two to five years.

*California Mountain trout* — Thirty thousand, in weights ranging from one-fourth of a pound to three pounds, and of ages from two to five years.

*McCloud river or Rainbow trout* — Four thousand seven hundred, of weights from one-fourth of a pound to two pounds, and of ages two to four years.

*Hybrids* — There are also a large number of hybrids, the result of crossing and interbreeding of different members of the salmon tribe. The Commissioner's report, made to the legislature in 1880, contains a particular description of these hybrids. It has not yet been altogether established what is to be the outcome of the hybrid production, but the experiments have proved that, unlike experiences of this kind in the quadruped race, the new stock is not barren.

We have of the original cross of the male brook trout with the female salmon trout, eighty-one spawners, three years old. These cast, the last autumn, seventy-two thousand eggs, which hatched as readily as the spawn of either of their progenitors. The fry from them are remarkably vigorous, and seem to be an improvement of the stock on both sides. They are long in body, symmetrical in shape, active, quite dark in color when young, uniform in size and are rapid growers. At a year old they more closely resemble the brook trout than the salmon trout, except that the carmine spots which distinguish the latter are wholly absent in all. There can be no doubt they will prove to be a fish combining the greater size of the salmon trout with the superior quality of the brook trout; but whether they are to be a river or a lake fish, or adapted equally to lake and river, can be determined only by trial. The salmon trout is exclusively a lake fish, loving large bodies of deep cold water and abhorring shallow and rapid currents. Except in early spring when they make a brief run in shore after minnows they rarely leave deep water. The brook trout is at home in either lake or stream, adapting himself readily to either place, provided the water be cool and pure and the feed congenial and abundant. If this hybrid shall follow the habit of the male parent and take to stream as well as lake life, it will prove to be one of the most valuable additions made to pisciculture. The hybrids commenced spawning the last year on the 24th of October, and continued to December 1. It will be observed that the spawning period was intermediate between the times of spawning, respectively, of the salmon trout and the brook trout, thus pointing to the perfect blending of the two races in the cross.



# HYBRID TROUT

3 years old reared from 13% methane lung

2000 by Robert Johnson & Co. 10/10/10





We have in the Caledonia ponds also, a few German carp and some other fish kept for show rather than use, including a very handsome collection of golden carp, which are kept in a tank constructed for them, and are the object of principal interest to visitors, of whom, in the summer season, we have large numbers.

Our stock of breeding fish is believed to be, by far, the most extensive and valuable of any collection of the kind in the United States. Its value for the purposes for which it is kept is estimated at \$20,000.

#### ORGANIZATION OF THE HATCHERY.

The ordinary active force of the Fish Commission consists of a general superintendent, Seth Green, whose home is at Rochester; a local foreman or superintendent, Monroe A. Green, who resides at the hatchery; a clerk, and usually five men, who, with the foreman, conduct the operations at the hatchery. These have been all practical fishermen their whole lives. They are sober, honest, intelligent and faithful men, who love their work and are as devoted to their infant charges as any nurse can be to her human darlings.

They have been nearly all employees of the hatchery from its beginning, and there is not, probably in any similar establishment in the Union, a corps of employees more skilled in their especial department of labor than they are.

The general superintendent is in daily communication with the hatchery and directs all its operations. During the breeding season the attention of the men is devoted wholly to the work appertaining to it. When the fry are ready for distribution, they are usually sent out in the care of one or the other of these men. After all the pains that must be taken to bring the food to infant maturity, it would be a great error of policy to intrust them, on their first journey of life, to unskilled or inexperienced hands. No one, so well as the nurse who has officiated at its birth, knows how to take care of the baby.

The pressure during the period of distribution is sometimes so great that extra men are employed as messengers to assist. These are usually men who have at former times done service at the hatchery. Sometimes the general superintendent and the clerk are called to active labor, and when the work crowds, both take a hand where aid is most needed. When the breeding and distributing seasons are over, the men repair the screens, boats and other apparatus, build new ones, repair ponds or construct new ones, or do any work needed in doors or out of doors on the premises.

Daily records are kept of all the operations of the hatchery, and a duplicate of these is made in suitable books in the care of the clerk at Rochester.

The correspondence of the superintendent is at all times considerable, and in the winter and spring seasons so large as to employ the greater share of his time and the time of the clerk in examining, classifying, filing and answering letters. Often fifteen and twenty come with each morning and night's mail, and the aggregate in the year rises well up into the thousands. A large share of these letters contain calls for information relative to points in fish history or breeding, and many come from points remote and distant from this State. It is the practice of the superintendent, heartily sanctioned by the commissioners, to answer

promptly all these calls for information, whether they concern the legitimate business of the Commission or relate only to the proper wants of the writers.

There is nothing connected with the work of the Commission that we are unwilling others should know, and if there has been any thing gained in our experience that may be made useful to others interested, we are always glad to give them the benefit of it. Especially do we take pleasure in exchanging with the commissioners of other States, particularly those recently formed, views, observations and courtesies.

One of our employees, David Day, has been in service at the hatchery from a period dating back to its first establishment under private auspices. He is now sixty-four years old, and may be found every day at his chopping block preparing rations for the army of which he is the proud commissary. The fish know him, and it is interesting to observe how on his approach with the food tray, they will all rush to his side of the pond and follow his movements around it.

Many thousands of pounds of animal food, mostly the livers, lights and hearts of slaughtered cattle are fed annually to the stock fish. The expense of this supply, alone, is upwards of one thousand dollars per annum.

In the summer season, Mr. Day attends to the flower beds which deck the grounds; a work in which he is as faithful and enthusiastic as he is in his care for the gastronomic wants of his family of fish.

#### GROWTH OF FISH AT THE HATCHERY.

The commissioners have made some comparisons in the weight of different kinds of fish raised in the State hatchery, which they record as a matter of interest.

At three years old, the largest salmon trout attains a weight of one pound and eight ounces.

Brook trout of the same age, weigh one-half pound.

California trout, one pound.

Hybrids from the male brook trout and the female salmon trout, one pound.

No doubt in wild waters, the weight would be much greater.

#### SALMON TROUT.

Our stock of breeding fish of this variety has been made up wholly of our own production. Our fish did not mature as spawners till the age of six years. In the wild state, it is presumed maturity occurs sooner. We took from our stock of one thousand, last fall, three hundred and sixty-four thousand five hundred spawn. They commenced spawning, September 19, and ceased at the close of October.

Our main stock of salmon trout spawn has been and still is procured in Canadian waters. At each spawning season, a party from the hatchery is dispatched to the Canada side of Lake Huron, where, by the courtesy of the Dominion government, they are permitted to take the spawning fish in nets. Usually the local fishermen are employed with their apparatus in this work. The spawn are taken by our men and the fish are returned to the netters, who are thereby compensated for their labor. The spawn are packed in layers in trays with Canton



*With the Head of the Trout*

# SALMON TROUT

3 YEARS OLD. FISHING AND FISHING IN THE MICHIGAN LAKE



4 years, will reduce from 9 1/2 inches long





flannel bottoms, which are deposited in hand cases made to receive them. This packing contrivance is the invention of Mr. Monroe A. Green, the local superintendent at the hatchery, and has proved to be the best medium in use for transporting spawn safely, long as well as short distances.

The hatch of salmon trout this season has not been far from one million two hundred thousand. These will be distributed principally in the large lakes of the interior. The commissioners desired much to place a large portion of this fry in Lake Ontario and the river St. Lawrence; but they have not yet found any person or organization willing to pay the cost of transportation or of any part of it. It would not, certainly, be just to parties in other parts of the State who are eager to take the fish and pay the carriage, to deliver them at our own expense, even if we had the means to do so, to parties who seem to value them so lightly.

It is important that something should be done to restore the failing stock of the great border waters which have been so largely depended on for the market supply for the interior. The salmon trout and white fish of Lake Ontario have been and will be, as long as they can be procured, the cream of fresh water fishes. But pond nets, gill nets and seines defy the powers of nature. Her best work cannot restore, in years, the damage of a season.

The impracticability of procuring on the American side a sufficient supply of spawning fish hinders the action of the State of New York in the premises. White fish spawn may be procured in Lake Huron, but no useful supply can be got from the waters of Ontario. The State of Michigan too, which adds to the stock of its waters twenty millions per annum of this delectable fish, will be naturally jealous to protect its stock from outside demand.

A bill was passed by the legislature in 1881, to establish a hatchery at the foot of Lake Ontario, and the sum of five thousand dollars was voted for this purpose. The governor, for reasons which in his judgment were sufficient, refused his approval, and the measure accordingly failed. It is much to be doubted whether such an establishment as was proposed would have served any efficient purpose.

As these waters are international, the subject properly calls for the consideration of the Federal authorities. A movement on a large scale, of the Dominion and United States governments, to stock, through the instrumentality of hatching operations, at some eligible point on the lakes or St. Lawrence river, would give the best promise for adequately restocking these waters. It is hoped the subject will receive the earnest consideration of the proper representatives of the two governments.

#### BROOK TROUT.

The spawning season of this fish at the hatchery usually commences about the 25th of October and continues till the 10th of March. The production of fry this year was about one million. Our stock of ten thousand mature fish are all the production of the hatchery or of the stream on which it is situated. No fish, except the California trout, are so eagerly sought after as this, and in none has the distribution been more successful where the fry have been placed in proper waters.



Those which should be preferred are the large rather than the small waters. Low temperature and perfect purity are absolute essentials to success.

The commissioners are inclined to doubt, from the facts brought out in their correspondence, whether much benefit has resulted from attempting to stock small streams in populous neighborhoods, even though they may have been formerly good trout waters. This class of streams may have been suitable fifty years ago, when the population was sparse and the existence of large forests at the head prevented the rapid evaporation which now occurs in consequence of the destruction of the live timber. The changes consequent to the clearing up of the new country have not only greatly decreased the volume of the spring streams, but have changed the temperature of the waters, so that they are no longer capable of sustaining fish like the trout kind, that must have pure cold water or they languish and die. The same changes have diminished the supply of the animal food which is necessary to their healthy development.

The commissioners have noticed that the best results of stocking have occurred where the waters, whether of lakes or running streams, have been of greatest extent. This is proved in the case of Otsego, Cayuga, Canandaigua and Hemlock lakes, and the waters of the Fulton chain in the northern wilderness. Nowhere has the deposit of trout fry been attended with such marked success as in the waters in and bordering that great forest. These possess all the elements necessary to the perfect development of fish life. In these extensive bodies, fed from pure and never failing springs, and supplied with all the forms of animal life best adapted for fish food, the growth of the trout proceeds with thrice the rapidity of the same species in the smaller waters of the settled country, and all the processes of nature in connection with their development and increase proceed in a corresponding ratio.

As precedent to stocking any water there should be always thorough investigation to ascertain the quantity, stability and temperature of the water, and what is equally important, the amount and kind of natural fish food. If these conditions are favorable, stocking, commencing with moderate allotments, increasing as observation points toward success, and adding annually to the supply, is certain to be successful; but if the work is commenced in ignorance and kept up at haphazard, failure is equally sure.

#### CALIFORNIA TROUT.

There are several varieties which go by the name of the California trout. The differences between them are not radical, and arise, probably, from the influences of locality rather than from natural variation. The differences appear principally in external markings. The fish of highest development are found in the McCloud river, from which they take their distinctive name. They are the true rainbow trout, having a band of bright red, like the iris along the whole extent of the lateral line. The mountain trout have the same marking but in fainter tint. In some specimens it is hardly perceptible. It has been noticed that in wild waters this tint is much more strongly brought out than in fish confined in artificial ponds. Occasionally,

# RAINBOW TROUT

3 VERT old copper rd from 11'2 inches long

*Look to find the source of the spring*



fish escape from the Caledonia pond to the open stream below. The influence of the wider range and of the change to natural food, largely crustaceous, is observed not only in the brighter colors, but in the greater vigor and more rapid development of the fish.

In producing and raising from helpless infancy some of the fish tribe, art may surpass nature; but only by a return to the ways of nature at the period when helpfulness succeeds helplessness can the best development come.

The early history of our stock of California trout was given in the commissioners' last report; but the circumstances are of such interest that the story will bear reproduction and continuation.

In 1875 the commissioners received from a friendly correspondent five hundred eggs of the California mountain trout. In due time these produced three hundred fry. They lived and grew to be spawners.

At the age of three years and when they had reached the average of a pound weight, they cast their first spawn. The product was sixty-four thousand eggs. The usual percentage of these hatched, and with the exception of seventeen thousand, kept for breeders, were distributed throughout the State. In the spring of 1879 there were still living of the original stock two hundred and sixty fish. Having increased in age and size, they gave a larger yield of spawn than in the year previous. Their production in the last-named year was ninety-four thousand. Three thousand four hundred of these were retained in the hatchery. The remainder went out for distribution on orders. Our stock of breeding fish of this variety is now thirty thousand, and the expected yield of fry this year is from three to four millions, all of which are already covered by orders, and the cry is still for more.

The spawning season commences about the first of March and continues till June. They, therefore, afford what the brook trout does not, good autumn fishing.

The California trout is, in its structure, pretty much the counterpart of our brook trout. It has not the carmine spots which distinguish the latter, but has the same dorsal markings, a slightly more forked tail, and the same color and texture of flesh. The general external color is a silvery green or olive, mottled with irregular spots of a black or darkish color. Along the lateral line is, as has been already stated, a marking of red of varying distinctness according to habit and habitat.

The fish is one of remarkable vigor and hardiness. It will thrive in water which to salmon and brook trout would be certain death. It will bear rough handling with comparative impunity, and bruises on its skin which in other fish would be followed by fungus and death, make apparently no harmful impression. It is an active fish, and though it will thrive in either lake or river, loves best a swift running stream, and the most thoroughly aired water. It is a voracious feeder, but its tastes are as delicate as others of the trout family. It loves best to take its food alive, and cannot resist the temptation of a struggling grasshopper or miller, no matter how full its maw may be already. No fish known is so certain as this to be attracted by the artificial fly. It does not matter much what the form or color may be, so that a motion is given to resemble life. In its greed for insect food it takes no account of seasons, and will rise as readily in January to a red fly when it is hardly possible for a natural fly to exist, as in July

when the surface of the water swarms with insect life. It grows with nearly double the rapidity of the brook trout in the same water, and is, of all fish whose habitat is exclusively in fresh water, the most suitable for the large streams of the State of New York, like the upper Hudson, the Genesee, Mohawk, the East and West Canada creeks, the Moose, Black and Beaver rivers, and all other streams which over-much fishing, dams, saw-mills and other destructive agencies of human contriving have spoiled for good trout fishing. Whether it can endure the poison of tanneries has not been yet tested. If it shall be found to stand this last, desperate test, to which all others of the trout family have succumbed, it will deserve to take rank with the immortals.

The only unfavorable criticism which has been made on this fish is that they are not good keepers; that they rapidly soften after killing, and do not bear transportation well. This may be a disadvantage or an advantage, according to the standpoint from which it is considered. The residents in the neighborhood of trout streams do not care to have all the stock shipped to market; they want some for their own use; and if California trout will not bear transportation, there will be all the more to eat at home. No fish anywhere or at any time is as good as when fresh caught. The complaint of softness, we think, does not apply to all California trout, but to such as are caught out of season or in very mild waters. The quality of all trout is very much affected by the character of the water in which they live and by what they feed on. Speckled trout caught within a few weeks of spawning time, and after spawning, till they recover vigor, will be slimy and soft and tend quickly to putrefaction, and those that live in shallow water with muddy bottom and feed on leeches and lizards are never good keepers. Every one who has done much trout fishing will have observed that fish caught in a running stream, especially if the stream be one much subject to the influence of rain-falls, soften much more quickly than those taken in lakes. Even on a good spring stream the angler will sometimes observe the ribs of the first trout protruding before the last has been put in his basket. On the other hand, the whole day's fishing on the lake will be firm and hard. California trout, in this respect, will not differ materially from any other trout.

#### LAND-LOCKED SALMON.

The origin of the land-locked salmon in inland waters is not known. It is supposed, from the close resemblance to the salt-water salmon, that its introduction into fresh water was accidental; possibly by the deposit from aquatic birds of the impregnated spawn of the salt-water fish. Whether this be so or not, the habit of the fish is that of a kind native to the fresh water. It has been observed that it has no inclination to visit the ocean depths, even when it has opportunity. It would be a puzzle to a close observer to point out the difference between two specimens, one taken from a river into which it had run from the sea, and the other native of a fresh-water lake. The most ready mode of distinguishing one from the other would be by looking for variations in color arising from peculiarities of the water from which they respectively came. It is claimed, however, that the land-locked salmon has five distinct spots of black on each gill cover which

in the sea salmon are lacking. In form and quality there is scarcely a variation between them.

The land-locked salmon are found in Lake Sebago and some other inland waters of Maine. Spawn secured from that source has had considerable distribution to the older hatching establishments. Nothing very definite, however, has occurred from the planting of these fish in new waters. The best instance of success that has come to the knowledge of the commissioners is related in the fourth annual report of the Bisby Club, an organization having a large preserve in the northern wilderness, where they have good success in stocking. The report alluded to says :

"In the summer of 1879 a large consignment of the fry of the land-locked salmon from the State hatching-house at Caledonia, *en route* to Bisby park, had reached as far as the head of Woodhull lake, where our trail commences. The day was one of the hottest of the summer ; the fish had been nearly twenty-four hours on the journey ; the stock of ice with which they had been refreshed on the way had given out and no more could be procured. Night came on ; a mile and a quarter overland remained of the journey and the fish were dying by hundreds. No springs were near, and the water of the lake at the shore was of too high a temperature to revive or save them ; so, as a last resort, they were conveyed to deep water and committed to their native element. No more was thought about them ; the probabilities being that all had perished. But shortly after the disappearance of the ice last spring several fish were caught near the shores of a species unknown to the resident fishermen. A specimen was brought to Bisby Lodge, where it was at once identified as a true land-locked salmon. It had all the markings of the *Salmo salar*, or salt-water salmon, and weighed nearly a pound. They showed themselves again in the fall ; this time in the Woodhull stream below the lake, to which they had found egress through the open gates at the dam. They had probably been on their semi-annual run and were striving to return to the lake when caught just at the mouth of the gates. Several attempts have been made to plant the land-locked salmon in the waters of this State, but this is the first that has shown promise of success. It establishes beyond question the fact that the waters of our Northern wilderness are congenial to this fish."

In the winter of 1882 the club had reports of the taking of a number of these fish through the ice on Woodhull. Specimens, each eighteen inches in length, were sent to one of the commissioners. Two, fresh caught and preserved on ice, were forwarded to Mr. E. G. Blackford's annual exhibition held in Fulton market. They are thus spoken of in a letter from the secretary of the club, Mr. H. H. Thompson, to one of the commissioners :

"As soon as Mr. Blackford got sight of me he hastened to say that a box had been delivered that morning with a card he could hardly make out, but he thought he could show me some fish from Bisby. And sure enough there were spread on a silver dish two of the handsomest fish I ever saw, and which attracted a great deal of attention. For outline, coloring, and plump firmness of flesh there was nothing in his exhibition to rival them. There was a four-year specimen of the same species from Caledonia, but it was *nowhere* in comparison, being pot-bellied and light on the under side. Ours were clad in

dark, glistening steel from head to tail; top of head as black as ink, and a touch of beautiful bronze on the cheeks. Blackford had never seen such handsome land-locked salmon. I don't know what other lakes might produce, but Woodhull takes the palm up to this time. The food must suit them, and the color of the water and soil puts on a dress that is perfectly lovely."

These are the fish that were thrown into the broad lake to save their lives, if possible. It is worthy of consideration, whether the mode of deposit had not something to do with the success of the enforced plant. The young of the trout family are usually deposited in small, still tributary waters in order that they may find suitable food and shelter and be exempt from the accidents to which they would be liable in larger waters. These seem to have found all the requisite food in the open water of the lake, and it is quite probable that they had exemption there from predatory enemies that might have been encountered in the streams.

There are other lakes in this wilderness that are still better adapted to land-locked salmon than Woodhull; but their success in this water makes it certain that they may be made an incalculable addition to the native supply of these waters.

Woodhull lake is one of the reservoirs used for canal purposes. The water, after leaving the lake, passes down through the Woodhull stream, twenty or more miles, mostly through forest, to the head of the Black River canal in Oneida county.

The reservoir has been made by erecting a dam eighteen feet high across the outlet of the original lake, which causes the water to set back so that it now takes in Wolf lake and a widely extended flow line about all its shores. The temperature of the added water is affected more or less by the annual drawing and refilling, but probably below the old flow line the water remains as cold and clear as ever. The reservoir has a total length of five miles.

The land-locked salmon, like the California trout, is a rover, loving a run in rapid, well-aired water, and placed in a chain, like that of the Fulton lakes, where they could have a free passage of fifteen miles through alternate lake and river, would, it is believed, grow with a rapidity approaching the development of the salt-water salmon. Specimens of the latter named fish have been known to advance from four pounds to double that weight in one year.

#### SHAD.

The operations in shad hatching in the Hudson river usually commence about the 15th of May. A fishing camp is established at some point below Albany, where seining or gill-netting is successfully prosecuted. The work is continued till about the first of July. Our party works in connection with the regular fishermen whose nets and labor are employed. The netting must be done in the night-time, as shad never spawn in daylight and no ripe fish are at that time taken. The fish, after they are stripped, are returned to the fishermen who ship them to market. The shad, unlike the trout, soon dies after the spawn is taken. When the temperature of the water is about seventy-five degrees the spawn hatch in four days. In the second day after birth they are set free in mid-stream. They have still the impediment



of the yolk sac, but this is absorbed in four or five days and the young shad are then free and may make their own way in the world. Minute infusoria, found plentifully in all shad waters, form their food until they reach the sea, when their lives are a mystery till they return in the third year, lusty, luscious fish, ready to multiply their race and delight the epicure's table.

The veto of our appropriation in 1880 put a stop to our shad hatching in the middle of the season, and left us, also, without the means to prosecute this work in 1881; the appropriation of that year not coming in time to be available. The hatching in 1880, when interrupted by the veto, had reached nearly four millions, about one-half of a full season's work. We hope this year to turn off six to eight millions. The cost of a full season's work in shad is about one thousand dollars.

### SMELT AND FROST FISH.

The delicate texture and delicious flavor of the smelt give it rank with the most delectable of sea fishes. People whose homes are near the coasts where it abounds appreciate it as a luxury; and if it would bear transportation as well as the oyster, the demand for it, at great distances in the interior, would be much above the present sources of supply.

Were it generally known that this fish is adapted to fresh water and may be successfully planted in most of our large, clear lakes, there would be a great call for it for stocking purposes. A few smelt put into Lake Champlain several years ago have led to their permanent establishment in that water, and those who have eaten them pronounce them fully equal in quality to those of salt-water growth. In 1880 some furnished by Mr. Blackford were put into Otsego lake, which seemed one of the best adapted to test them. Circumstances not favorable to a successful plant may have prevented success in this case, as none of the product have been seen in the lake; but the experiment is worth repeating.

It has been claimed that the smelt is the same as the frost fish found in some of the waters of the northern wilderness. It is true the anatomical structure and general appearance are the same, although those who have observed closely will hold that the smelt excels in symmetry of form. But few smelt attain the size of the frost fish. In Little Moose lake — a tributary of the river of that name — the frost fish run from a half a pound to a pound's weight. In other fresh water they are not found as large, though they exceed in weight the average of salt-water smelt. The frost fish, too, is somewhat firmer in texture than the smelt, and is the equal of the latter in flavor.

Give any of the old guides or fishermen of the Moose river chain, his choice between a trout and a frost fish, and the chances are nine out of ten that he will choose the frost fish. Something of this preference may be due to the fact that the frost fish comes but once a year, while the trout "ye have always with you."

The frost fish take their name from their habit of running from deep water in the frosty months of the autumn to cast their spawn. This is the only season they are never caught or seen by the fishermen. They are taken usually in pens or wickets, formed by building a sort of close picket fence across the stream where they run at points a few



feet apart. In the lower fence is a gate of the same style of construction. This is opened at night, which is the only time the fish run, and closed as morning approaches. The fish enter in great numbers. They cannot get above the upper wicket, and as it is contrary to their instinct to run down till their spawn is cast, they become securely imprisoned. They are taken out of the pens in scoop nets. Many are slightly salted and kept for winter use by the guides and local fishermen; and whether fresh or salted are a toothsome morsel.

The frost fish are readily multiplied by the artificial process. In 1879, nine hundred thousand fry were hatched at a temporary hatching-house at the Old Forge on the Moose river. They were all planted in the waters of the Fulton chain, and have resulted in a manifest increase of this choice stock.

An additional reason for introducing smelt into our large lakes is that they would furnish such choice food for the salmon trout. It would seem a pity that so fine a fish should be given as food to one of a coarser kind; but a salmon trout, fattened on smelt, would be with his kind, what a terrapin-fed alderman is to the small fry of the corporation.

#### GERMAN CARP.

Much of the correspondence of the Commission is in relation to the German carp, about which inquiries come daily. Many applications, also, are made for the fish, which the commissioners are unable to supply, as they have no facilities for raising them, and entertain doubts whether it is good policy for them to cultivate carp for distribution, as the fish are not suited to our native waters.

One of the commissioners, however, — Mr. Blackford, who from his relations with the United States Commission and his business connections as a dealer in Fulton market, has opportunities for procuring supplies occasionally for distribution, has given this fish without cost to the State, a dissemination which will probably test its value for the latitude of New York.

Two hundred and thirty carp of the leather species have been received from the United States Commission. An account of the distribution of these will be found in the appendix.

The few kept at the hatchery are in a pond with some other miscellaneous stock. The Caledonia waters are too cold for carp, and in order to give them a fair trial, ponds would need to be constructed quite different from those in use for other fish. It is requisite for carp that they should be placed in ponds through which there is no constant flow of water, and where there are no other fish; certainly none of a predaceous kind. They are vegetable feeders and like most non-carnivorous animals, are submissive, rather than aggressive, and consequently fall an easy prey to the cannibals of their race. Their ponds should be excavations without lining, in compact earth, with good depth, and mud or ooze bottoms adapted to the growth of water vegetation and capable of affording the fish a hibernating place in winter. It is necessary, too, that the water should not be liable to freeze over with thick ice, as in the absence of abundant air, the fish are certain to perish.

Further south where the water is milder, sluggish and not likely to

freeze over, the carp will undoubtedly do well if cultivated. They stand in the fish family much as the hog does among quadrupeds. Confine the latter in a pen and steadily respond to his cravings of appetite and he will increase in flesh and multiply in fat to an extent which will reward the care of his owner. Similar treatment applied to the carp, changed only to suit the different element in which he lives, will make him a productive and profitable fish.

In their native country, Germany, they are reared on what may be denominated fish farms. One man constructs ponds suited to the wants of the breeding fish. The young of these are raised as a breeder raises pigs for another man to fat. When of sufficient age, they are sold to the grower for market. The fish are kept in ponds by themselves, and daily fed and tended with the same care that is given to other market stock. Their food is cabbage, water vegetables and sometimes meal or preparations of meal from grain. Under this treatment they grow with great rapidity, frequently attaining the weight of several pounds in a year's time. When fit for market they are taken in tanks alive and sold as wanted by consumers.

As to their qualities as table fish, there are contrary opinions. Neither of the commissioners has had a fair opportunity to test this question. Some hold that they are a superior table fish, and others count them poor and insipid. Probably their quality largely depends upon the care that has been expended in rearing them. A chicken brought upon short commons is poor meat indeed. The same animal, properly fed and nourished, is a luxury that all delight in. Doubtless a poor, half-fed, half-grown, neglected and bony carp will not make an attractive dish; but if raised according to the manner of his native country, he may be fat, flaky, and possibly delicious. It is certain that in Germany they are rated a standard fish, and are in more general use than any other. A gentleman who has seen much of them in that country writes that "hotel keepers like them because they are cheap and their customers eat so little." When this economic property is understood this side of the ocean, perhaps this fish will find favor with our hotel and boarding-house keepers. But if this account be true, probably guests and regular boarders will be better suited with our native shad and blue fish.

It is difficult for any one accustomed to only American cookery to judge of the quality of any kind of fish served up by the German methods. A fish broiler is an unknown utensil in the great German capital, and the general mode practiced with fish is boiling or stewing, and serving up with a wine, vinegar or beer sauce. Such treatment, by its tendency to disguise, might improve a cat fish, but it would spoil a shad to American taste.

The United States Fish Commission has taken the leading part in introducing the carp into the several States. They have the means through their purposely constructed ponds at Washington and in Maryland, to provide an adequate supply, and through their widely-spread connections, to introduce them under the best auspices. Remarkable accounts reach us of the success of carp culture in Tennessee, Texas and other southern States, and doubtless what we have heard of their trial in the mild climate and suitable water of the south is not exaggerated.

## SUCCESS IN FISH STOCKING.

It will be inferred, from the facts given in this paper, that fish stocking in the State of New York is a success. We presume that, in the light of all that has occurred, few will dispute that it has been so proved, here and elsewhere.

Yet there are considerations of a comparative kind, connected with this subject, that might seem to justify doubts. Heedless, indiscriminate stocking, without the intelligent reference of means to ends, overstocking, the use of the right kinds in the wrong place and the wrong kinds in the right place, are all calculated, in their respective cases, to defeat the ends aimed at.

To particulize: As we have stated, under the head of "brook trout," it may well be questioned whether, considering the cost, there is profit in restocking small streams in populous neighborhoods, with this fish. The slow growth in such places, the liability to accident by flood or drouth, and the exhaustive fishing always practiced where trout are accessible argue against the policy of public expenditure for such purposes. Where small spring waters are held in private possession, they may be made, by stocking, a source of pleasure and profit to the owners; but where there is no one to take responsible care of the stock, and all are permitted to draw from it at pleasure, nothing but oft-repeated and expensive replenishment can keep up the stock even for lawful fishing.

On the other hand, where the waters are large, the supply regular and the location remote or not easy of general access, a moderate stocking will be attended with but little waste and will do much of its own work in keeping up the supply.

Brook trout put into mild, still water are thrown away. Black bass placed in a pond with mud or grass bottom will not thrive. They must have rock or gravel, where cray-fish, their favorite food, abound. Oswego bass, in the water first stated, will increase, multiply and make glad the heart of the fisherman.

Salmon trout will not remain in running streams, no matter how pure the water, and the lordly salmon himself is so particular about the temperature of the water he inhabits, that human investigation has hardly yet been able to tell just what it should be. We can judge best, by leaving him to choose for himself.

Doubtless the failure to establish the California salmon in the waters of the Atlantic coast comes from this element of temperature. Certain it is that the trial has been faithfully made. Of the millions upon millions of the fry of this fish carefully procured, transported at much expense from its native waters, and hatched in nearly every fish cultural establishment in the Union, practically none survive to tell the tale of their fate. What becomes of them we do not know. If they live to get to the ocean, they do not return to the parental stream at the annual spawning or any other time. They hatch readily and grow rapidly in the early stages, but none of over two years' growth are often seen anywhere. We have record of some found in a small stream where they had been planted four years before; but which, after the second year, had made no progress, but were true dwarfs, with big heads, meagre bodies, and feeble action. There have been also a few instances where this fish, the result of planted fry, have been found of

the weight of two pounds ; but these have been in waters from which there was no convenient escape.

Of all fish that have come under the observation of the Commission none have done as well, according to the cost, as the black bass — usually styled, in contradistinction to others of this general family, the “small-mouthed bass.” This fish does its own hatching and attends to its own nursery duties. Of vigorous, yet clean appetite, he grows apace, and, where the location suits him, takes a lease for life, with a contingent interest for his posterity. A good black bass lake or stream will bear more fishing to the acre than any other fish water. The Oswego bass and the perch pike are also cheaply procured, readily kept, and are profitable for both food and sport. The merits of the bull head we have sufficiently eulogized in another place.

If the commissioners had to choose from the whole fish calendar a variety with which the most could be done with the least cost, they would decide in favor of the bass. They are the manna and the quails of the wilderness. They came, as it were, as the special gifts of Providence ; and if there were no other fish in the world, we might be content with these.

White fish and shad are of course specialties. We have but one water, viz.; Lake Ontario, capable of furnishing any considerable supply of the former ; and we have only the Hudson river to depend on for shad ; but there is not a county, and probably but few townships in the State where bass may not be raised plentifully.

#### FISH-WAYS.

The Hudson river was never a salmon stream. Consequently there has been but little need to provide, where dams occur, ways for the passage of migratory fish up stream. Shad do not often go greatly beyond tide water nor attempt to pass high falls ; so fish-ways are not needed for them. In 1871, a law was passed directing the construction of a fish-way in the Mohawk near Schenectady, where the State has a dam to aid canal supply. Fish-ways were also, some years ago, attached to the State dams at Troy and Fort Miller on the Hudson. Of the usefulness of these works, the commissioners are not informed. The matter is an adjunct not so much of this department as that of the canal officials.

The bays of Lake Ontario and the streams tributary to that water were, in the early settlement of the country and for a considerable period afterward, famous for the abundance and excellence of their salmon, which, coming up from the sea by the way of the St. Lawrence river, sought spawning places in the interior streams. Dams, steamboats, fish spears and other potent fish foes have driven this family, once so abundant, out of existence or into more hospitable retreats. In 1881, the legislature, with a view of extending to this king of fishes a new invitation to visit our waters, directed the construction of fish-ways on the Oswego, Seneca and Oneida rivers, where dams now interrupt the passage. The only duty connected with these fish-ways with which the commissioners were charged was to pass upon the plans of these structures. The work of building them is committed to the Superintendent of Public Works. The commissioners have, under the law, given their approval of the plan known as the McDonald fish-

way ; the invention of a gentleman in Virginia, who has given much attention to the subject, and which is approved by the best pisciculturists.

### COLD SPRING HATCHERY.

In the year 1879, a law was enacted by the legislature which required "the commissioners of fisheries to examine the streams of water in the various counties of this State, and to take reasonable steps for the propagation of trout in such streams as in their judgment can be rendered more productive ;" and the governor was authorized by the same act to appoint another commissioner, who should be a resident of Long Island. Eugene G. Blackford, of the city of Brooklyn, was appointed such commissioner.

Though the act gave the Commission no powers it did not already possess, the purpose, as stated by its promoters, was to establish a hatchery stationed on Long Island. As this was within the scope of their original authority, the commissioners were willing to acquiesce in this construction. A committee, consisting of the new commissioner, Mr. Blackford, and Mr. Roosevelt, was appointed to examine the spring streams on Long Island with reference to the selection of the best site. With the assistance of Mr. Fred. Mather, a thorough examination was made in the years 1880 and 1881. The report of Mr. Mather was submitted to the full board and the site recommended by him was chosen. Mr. Mather's report will be found in the appendix to this paper.

The site selected is at Cold Spring, on the north side of the island, thirty miles distant from Brooklyn, and having convenient communications by both land and water with other portions of the island. This site has the especial quality of good and abundant water. It is near to the sea shore, but sufficiently elevated to be beyond reach of the tides and ocean swells. The land belongs to Mr. John D. Jones, of a family long resident on Long Island and widely known there and in the adjacent great cities. It was formerly occupied for a woolen mill ; but having been abandoned for that purpose, was unoccupied at the time of its selection by the commissioners. The old mill is still standing and was found capable, with moderate changes and renovations, of conversion into a hatching-house of sufficient size and reasonable convenience.

A liberal lease of this property was given to the State, free of rent, by Mr. Jones, for the period of ten years, for the purpose of the Commission ; and the commissioners take this appropriate opportunity to tender to Mr. Jones their earnest acknowledgments for his generous act, and to express to him the hope that through his liberality trout may become as plentiful on Long Island as they were in the days of his boyhood.

One of the oldest and most experienced employees, Mr. Jonathan Mason, has been detailed from Caledonia to the new hatchery, and under his direction and mostly by his labor, it has been fitted up for use with similar appliances to those in use at Caledonia. The work of hatching will be commenced, with spawn transferred from the latter-named place. No permanent organization of the new establishment has yet been made, it having been judged prudent by the Commission to commence with moderation and await the disposition of the legisla-



ture in regard to appropriations before launching out on a larger scale and with more costly methods.

The public expectation has been that the Long Island station would enter extensively upon the propagation of sea fish for the re-enforcement of the stock depended on for the New York market and, to a large extent the supply of adjoining States. The act, however, of 1875, as has been already stated, gives no authority for this. But by previous legislation (chap. 567, Laws of 1870), the commissioners are empowered to "take such other steps toward improving the fisheries of this State as they shall think advisable." Thus they have ample authority to enter upon this new and important work and need only the requisite means to prosecute it.

The sum now annually appropriated by the legislature (\$15,000) is sufficient, only by careful economy for carrying on the operations at Caledonia and the Hudson river. It is to be noticed that though the production of the Caledonia hatchery has more than trebled in the last six years, no more money is appropriated for its use than was required when its production was at the minimum. The table, given in the appendix, showing the progressive production of the hatcheries, will illustrate how much has been accomplished in late years with the same means.

Saving and excepting the great wilderness tract in the northern part of the State, there is not, within the knowledge of the commissioners, a locality so naturally adapted to brook trout as Long Island. Its streams are all native trout streams. Where so much good spring water comes from, in a territory comparatively level, and surrounded by salt water, is fitly a matter of speculation for the scientific. Probably, if the secret were revealed, the existence of underground currents from the hills of New England would explain the riddle. Certain it is, that whether for quality or abundance there can be no waters better suited than these, to trout and all kinds of fresh-water fish. And a generous Providence, which never plants life anywhere but it gives the facilities for sustaining it, has lavishly endowed the streams of this island with the best fish food. With the ample sustenance to be found in the native streams, trout grow with remarkable rapidity and gain a delicacy of flavor which commands for them, in the New York market, double the price of trout from the interior. Their good qualities are still further enhanced by the run they are able to take to salt or brackish water, which improves them both in bulk and quality. This migration invigorates them as change of air and scene does the human subject, and is no doubt one of the leading causes of the marked richness of flavor which characterizes the wild trout of Long Island.

Discoveries made lately, touching the breeding habits of striped bass, spanish mackerel and other choice sea fish, point to the facility with which these may be artificially reared on Long Island. It has been established by sufficient trial that the striped bass, when deposited of proper age, will thrive in fresh water. We have record of one put into a pond in Connecticut, that was taken out a few years subsequently, weighing twelve pounds. A number of good specimens have been found also in Lake Ontario, where a small plant was made a few years ago, by this Commission. When it is considered that these fish grow rapidly and to a great size, that their gamey qualities are such as to call for the angler's best skill, and that as a table fish, few of either

salt or fresh-water habit excel them, the policy of extending their production must be universally admitted.

When it is considered how enormous is the consumption of salt-water fish by the people, it would seem as if the government of the State of New York could not make a wiser expenditure of money than in adopting the best and most extensive means of adding to the stock.

Touching the consumption of sea fish, the commissioners invite attention to the table in the appendix, compiled originally by Mr. Blackford for the use of the Census Bureau, showing the astonishing amount of salt-water fish distributed from Fulton market alone. It might mortify the local pride of a sea coast New Englander to be told that a good share of the salt-water fish eaten by his people comes from Fulton market; but such, nevertheless, is the fact.

The study of these statistical tables will excite almost alarm, lest the stock of the great ocean even may in time fail to respond to the mighty draughts constantly required of it.

The usefulness of the Cold Spring hatchery will be gauged only by the amount of public support which shall be given to it. With adequate appropriations, it may be made the means of increasing the supply and cheapening the cost, so that the New York fish market, already acknowledged as the best in the world, may always retain its supremacy.

#### THE STOPPAGE OF SUPPLIES IN 1880.

The commissioners found themselves in the early summer of 1880, shortly after the submission of the last report to the legislature, confronted by an unlooked-for danger. While in the vigorous prosecution of their work at Caledonia and on the Hudson river, the lightning came out of a clear sky in the form of an executive veto of their usual annual appropriation. The misfortune, so nearly related to a calamity, came without premonition of any kind. The successful prosecution of the work of pisciculture, for so many years and from simple beginnings to really great results, it was supposed it had made it the settled policy of the State, acquiesced in by the people and by all branches of the State government.

The effect of the veto was to nip in the bud the shad hatching of the season, which had been commenced under unusually good auspices, and to change our work at Caledonia from production to preservation. The consequence of a sudden and unprepared-for stoppage of supplies could hardly have been considered by the executive.

Here was a collection of twenty thousand stock fish, the result of many years' careful selection, and requiring daily food and care, left without the means of sustenance. Here was property, real and personal, of great value for the purposes for which it had been provided, and next to useless for any other purpose, doomed to waste. These were the practical consequences of an act, doubtless laudable in its intent, but assuredly done in ignorance of what was necessary to correct judgment.

The commissioners took prompt measures to save the State from loss. Fortunately a careful economy in the expenditure of former appropriations had left a remainder of \$5,000 in the treasury to the

credit of the commissioners. This limited sum had to suffice for the actual necessities of next year. The work of hatching was confined to only the stock on hand. The working force was cut down to the minimum, and the employees, without exception, cheerfully submitted to a reduction of wages which placed them on a level with common and unskilled labor. Many fish that had grown, as it were, gray in the service of the State as breeders, the "lame, the halt," and the literally blind were turned loose in Allen's creek and the larger streams into which its water passes, because we had not the wherewithal to feed them.

Thus were matters conducted to the summer of 1881, when the governor, in obedience to the unmistakable popular sentiment, and under light following investigation, gave his approval to the appropriation unanimously voted by both branches of the legislature, and "Richard was himself again."

#### AID TO PRIVATE HATCHERIES.

Mr. James Geddes, of Syracuse, writes to the commissioners as follows :

"During my rambles this summer in the woods I, for the first time, visited Meacham lake, where I found, much to my surprise, a fish-hatchery managed at the sole expense of Mr. A. R. Fuller, who keeps a small hotel at this lake. For several years Mr. Fuller has hatched and placed in Meacham, which are public waters, several hundred thousands of young fish—brook trout, lake trout, and a cross of the two, many of which I took with the fly.

"Now what I wish to say is this: Why should not the fish commissioners foster and assist in such undertakings to encourage others in the woods to go and do likewise. A few hundred dollars of the vast sum annually appropriated would, in my opinion, do a vast amount of good."

Mr. Fuller's enterprise deserves the commendation Mr. Geddes bestows on it, the more so as his hotel gets only a portion of the benefit, and the public enjoys the remainder. It might occur to those not Mr. Fuller's guests, who catch out the fish he puts in, that there would be great propriety in helping him to pay the expense; but it probably does not. We all favor, and are ready to profit by, improvements that others are willing to pay for; but when there is to be a ratable assessment made, we are more conservative.

The fish commissioners are glad to do all in their power to aid in any enterprise which runs in the direction of their work. They have this year distributed a very large amount of fish spawn, without charge, to all responsible applicants; and in this manner they are giving valuable aid to private hatcheries. But when it comes to money, "there is where the shoe pinches." Our "vast appropriation" amounts to \$15,000, and out of this three hatching establishments have to be maintained, turning out an annual product of fifteen to twenty millions of fish. It is only by doing business as a specialty, and by the practice of a careful economy, that the appropriations are made to suffice.

When it is considered how large an amount is paid annually to keepers of hotels and boarding-houses by tourists and fishermen who



are allured to such places by the advertisement, "Good trout fishing," it might be supposed that those who make the profit would do something to verify their promises. The erection and maintenance of hatching-houses at St. Regis, Blue Mountain and Schroon lakes would do much more for the healthful entertainment of guests than can be done by all theappings of city style that too much characterize the hotels at those places.

We get enough of bands of music, hot and cold water, flunky waiters, Saratoga trunks and other things appertaining to so-called style at our city resorts. We go to rural localities to avoid rather than seek them. What we want is pure mountain air, abundant elbow-room, and plenty of trout to eat of our own catching. For these we are willing to forego luxuries, and even to endure hardships.

We have heard of great hotels in the wilderness where, week in and week out, there was no fish of any kind on the table, and as for trout-ing, there was none to be had outside the pages of Munchausen Murray. This is not as it should be.

The hotel-keepers at such places should join in providing hatching-houses by means of which the waters, depleted by years of persistent fishing, may be replenished. The cost would be moderate, and they would have the whole winter's time to attend to the rearing of the fish. Their reward in the end would be many fold.

Meanwhile they may have, as they have had the opportunity to obtain all along, fry from the State hatching-houses for the mere cost of transportation.

#### EUROPEAN EXPOSITIONS.

In 1880, occurred at Berlin, the great German capital, an exhibition of fish, spawn and appliances connected with fish culture, and an assemblage of many eminent culturalists from various parts of the world. New York was represented by a number of products of its hatchery, but as the Commission had no means to defray the expense, there was no personal representative to attend to the display, which consequently did not appear as well as it might have done under more favorable circumstances. We were on short commons at the time, in consequence of the governor's veto, and had scarcely money enough to buy food for the daily wants of our fish at home.

This year, a similar exhibition is to take place at Edinburg, under the patronage of the duke of that name, son of England's worthy queen, and next year another on a large scale will be held in London, under the patronage of the Prince of Wales. Benefits are looked for from the interchange of facts, views and the examination of specimens and appliances at these exhibitions. If practicable, the commissioners hope to have, without expense to the State, a personal representative to attend and participate in the proceedings. To both exhibitions courteous invitations have been tendered by the officers in charge to the members of the Commission.

#### GROWING INTEREST IN PISCICULTURE.

The commissioners have alluded, in another part of this paper, to the large amount of correspondence which passes through the hands of the superintendent. Much also engages the attention and occupies the

time of the commissioners. The increase and the annually enlarging scope of this correspondence gives evidence of a greatly enhanced public interest. This is most gratifying to the friends of pisciculture, who have looked in confidence for the coming of the time when the practice of this science should be regarded as a great public boon, and not as some flippant critics have declared, a scheme for the benefit merely of sportsmen.

In the appendix will be found extracts from letters, showing the success of the plant of fish in the various waters throughout the State. These will show what warrant the public have for confidence in the work of the Commission.

### THE AID OF THE PUBLIC PRESS.

For the widely-awakened and rapidly-growing interest in this subject, much is due to the enterprising and intelligent action of the public press. The newspapers of this State, and indeed of the entire Union, have omitted no opportunity to spread before their readers all current information on the subject, attended with such judicious criticism that many have listened who would otherwise have closed their ears, and many who were doubters became convinced. The gratuitous publication given to our notices has contributed too materially to the economy of our expenditures.

For these valuable services, rendered to practical science and to humanity, the public owe the press no little gratitude; and the commissioners find pleasure in thus tendering thanks to those to whom thanks are due.

### CONCLUSION.

In the appendix to this report will be found a body of information, largely statistical, touching the subject herein treated of. Much of this is interesting and valuable, and all is useful. To those who take interest in the subject, the study of these facts and figures is commended.

The commissioners have, in a plain matter-of-fact way, stated what they have to do and what they have done. They have entered into no scientific disquisitions, but have confined their deductions to the result of their own observations and experience. It is not the office of the New York Commission to enter upon scientific investigations in embryology and other principles lying at the foundation of animal life. Their allotted work is to raise and distribute fish to stock the depleted waters of the State; and when they report what they have done to this end, their mission as editors is ended.

To the United States Commission are wisely left the great problems in fish science, from the solving of which we are to look for greater light to guide our work. That Commission, with its learned head, its corps of eminent scientists, and its liberal government support, is adequate to this work, and will doubtless perform it in a manner which shall not only greatly assist State effort, but do honor to it in the broad field of science.

The State of New York is no less fortunate in the physical conformation of its territory than in the geographical position which gives it commercial supremacy. The alternation of hills, lakes, streams and

fertile valleys in its surface, combining beauty with utility, especially adapt it to the tastes and wants of an enterprising and cultured population. The same elements make it an attractive resort for tourists — those who seek for beauty in nature, and health in out-of-door recreation. As fishing grounds for pleasure seekers, the world furnishes no rival. The great wilderness in the north is the paradise of the speckled trout; the Thousand Isles of the St. Lawrence are the native homes of the gamey black bass; the great lakes of the north and of the interior yield their supplies of the luscious salmon trout and the toothsome white fish; the bays of Long Island give us of the choicest treasures of the sea; while the streams and ponds of the interior, little and great, have all attractions for the amateur angler. Fishing has been classed in all ages and by all peoples as a recreation at once the most innocent and the most healthful. The proper use, therefore, of the opportunities which nature has given us ought to make us the most happy and the most healthy people on earth.

What better aim can the enlightened legislator have than to promote, by liberal fostering, an object so useful to man as that of multiplying his wholesome food and contributing to his innocent enjoyments.

*April 1, 1882.*

R. BARNWELL ROOSEVELT,  
RICHARD U. SHERMAN,  
EUGENE G. BLACKFORD.

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## APPENDIX

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### A.

#### NEW YORK STATE FISHERY COMMISSION.

##### *Proceedings.*

At a meeting duly called of the Commissioners of Fisheries of the State of New York, and held at the office of Eugene G. Blackford, Fulton Market, New York city, March 31, 1880:

Present — Commissioners ROBERT B. ROOSEVELT, RICHARD N. SHERMAN, EUGENE G. BLACKFORD.

On motion of Commissioner Sherman, Commissioner Roosevelt was appointed president of the Commission; and on motion of Commissioner Blackford, Commissioner Sherman was appointed secretary.

On motion of Mr. Sherman it was

*Resolved*, That the matter of establishing a hatchery on Long Island be referred to Mr. Blackford and Mr. Roosevelt, with power to do in the premises what, after full examination, they shall deem for the best interest of the State.

A memorial was presented from citizens of Jefferson county, asking that a hatchery be established in that vicinity for the purpose of stocking Lake Ontario and the bays adjacent thereto with fish adapted to those waters.

On motion of Mr. Sherman it was

*Resolved*, That the application of sundry citizens of the county of Jefferson for the establishment of a hatchery-house at or near the outlet of Lake Ontario be referred for the purpose of investigation of the needs and facilities in the premises to Commissioner Sherman and Superintendent Green, and that they report the result of such investigation at a future meeting of this board.

Adjourned.

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At a meeting of the Commissioners of Fisheries, duly called by the president and held at his office in the city of New York, on Saturday, August 14, 1880:

Present — Commissioners ROOSEVELT, SHERMAN and BLACKFORD.

Commissioner Sherman presented the following draft of an address to the public on the subject of the withholding of the executive sanction from the appropriation made by the legislature at its last session, for the

uses of the Fishery Commission ; which was read, approved and placed in the hands of Commissioner Roosevelt for publication in the public press.

### TO THE PUBLIC.

The governor of the State of New York has refused to give his assent to the usual appropriation for the maintenance of artificial fish culture, — the means whereby the public waters of the State have been stocked with the choicest game and food fish so that there is now plenty, where before there was scarcity. This ill-considered action, the reason for which has not been communicated to the commissioners of fisheries, leaves a valuable public property in waters, buildings, hatching appliances and stock fish, without the means of available use, or even of preservation. The stock fish, many thousand in number, requiring daily feeding and care and capable of producing annually five millions of fry, are the fruit of many years' careful selection and breeding, and if lost now, cannot be replaced without years of labor and many thousands of dollars expenditure. The State hatchery at Caledonia, acquired at a cost of fifteen thousand dollars, is in respect to its supply in quantity and quality of water, its equipment in the most approved appliances for breeding, its supply of stock fish, and in the success which has attended all its operations, the most complete and valuable of the kind on the west side of the Atlantic ocean. What has been done by the Commission toward replenishing exhausted waters with the finest game and food fish is well known to the public. The multiplication of shad in the Hudson river to the extent of many millions each year, so that the cost to consumers has been reduced two-thirds in the last ten years, alone justifies all the appropriations that have been made by the State for the promotion of artificial fish culture.

The commissioners cannot, consistently with the duty committed to them by the legislature, permit this valuable property and the important interest involved in its use to go to decay and destruction by reason of the refusal of the executive to sanction the appropriations necessary for its support. They, therefore, announced to the public, that the operations of the hatchery will be continued under the personal responsibility of the members of the Commission, after the close of the present fiscal year and until the legislature shall have an opportunity to review the action of the governor, in the hope that the enlightened sense of the members of the law-making power will sustain them by making the necessary appropriations at the earliest possible stage of the session, or failing to do this, will provide by law for such a disposition of the property as will save the sacrifice which must result from a failure to provide the requisite current support.

*August 14, 1880.*

ROBERT B. ROOSEVELT,  
RICHARD U. SHERMAN,  
EUGENE G. BLACKFORD.  
*Commissioners of Fisheries.*

In connection with this subject, Commissioner Sherman further presented the following preamble and resolutions which were adopted.



*Whereas*, The governor of this State has refused to give his sanction to the usual appropriation made at the last session of the legislature, for the maintenance of the State fish hatching establishment, whereby much valuable property and important public interests connected therewith are liable to suffer serious detriment and loss; therefore

*Resolved*, That to protect the interest of the State in the premises, the commissioners of fisheries will continue the operations of the State hatchery at Caledonia, if need be and as far as shall be necessary to save the State from loss on their own personal responsibility, until the legislature shall have opportunity to review the adverse action of the governor and make the appropriations necessary for continuing the operations of the hatchery, or shall otherwise provide for the preservation of the property or for its disposal.

*Resolved*, That a memorial signed by the members of this Commission be presented to the legislature at the opening of the next session, setting forth the importance of prompt action in the premises; and that Commissioner Roosevelt be appointed to draft such memorial.

Commissioner Sherman further presented the draft of a bill for legislative consideration, providing an appropriation in lieu of the one vetoed, and that provision be made hereafter for the support of the State hatching operations, in the annual general appropriation bill; which was approved, and Commissioner Sherman authorized to cause to be laid before the legislature at its next session.

The following resolutions were also presented, considered and adopted, viz.:

*Resolved*, that until the usual State appropriation for the maintenance of the work of the Commission be made, the superintendent be requested to waive the presentation of his monthly accounts for his own official salary; and that in that case the usual appropriation of \$60 per month for salary of his clerk be continued.

*Resolved*, That the secretary of the Commission request of the comptroller a statement of the appropriation unexpended and now standing to the credit of the Commission.

*Resolved*, That Commissioner Sherman be directed to examine and report whether any, and if any, what reduction may be made in the expense of conducting the present operations of fish-hatching; and that he report at a future meeting to be called by the president of the Commission.

*Resolved*, That Commissioners Roosevelt and Blackford be directed to examine and report at the next meeting of the Commission such facts as they may be able to collect in relation to the propriety, policy and expense of establishing hatching operations for the artificial propagation of sea fish.

Adjourned.

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At a meeting of the Commissioners of Fisheries, duly called by the president and held at his office in the city of New York, Tuesday, November 1, 1881:

Present — Commissioners ROOSEVELT, SHERMAN and BLACKFORD.

A letter was presented from James Geddes recommending that aid should be furnished by the commissioners to the private hatching-house of A. R. Fuller, at Meacham lake, Franklin county; which was referred to Commissioner Sherman for consideration and report.



Also, a communication from H. D. McGovern relative to charges which had been made against him while in the employment of the Commission in investigation relative to the proposed hatching establishment on Long Island; which was referred to Commissioners Blackford and Roosevelt for consideration and report.

Commissioner Blackford introduced Mr. Fred. Mather who had been employed by the committee appointed to make examinations touching a proper site for the proposed hatchery on Long Island, and who submitted a report in writing as the result of his observations.

Commissioner Blackford stated that Mr. J. D. Jones, the owner of the land on which is situated the site to which Mr. Mather gives the preference, had offered to give to the commissioners a free lease for five years or upwards, of such site with the building now standing thereon.

Touching which proposition Commissioner Blackford offered the following resolution, which was adopted:

*Resolved*, That a committee of one of the Commission be appointed to secure the ground and water-rights from Mr. J. D. Jones, of Cold Spring, that may be necessary for the establishment of a hatching station for the use of the New York Fish Commission, provided the same can be secured without expense to the State for such site; and that the lease, before being executed, be submitted to the other members of the Commission for their approval.

The president named Mr. Blackford as such committee.

Commissioner Sherman offered the following resolution, which was adopted:

*Resolved*, That the thanks of the Commission are due to Mr. Fred. Mather for the careful examination he has made with reference to a suitable site for a hatchery on Long Island, and for the satisfactory report on the subject he has submitted to the board.

On motion of Mr. Blackford, it was

*Resolved*, That when this board adjourn it adjourn to meet at the call of the president, at some time he shall designate early in December next.

Adjourned.

January 11, 1882.

At a meeting of the Commissioners of Fisheries called by the president and held at his office Wednesday, January 11, 1882:

Present — Commissioners ROOSEVELT, SHERMAN and BLACKFORD.

The minutes of the proceedings of the meetings held, respectively, March 31, 1880, August 14, 1880, and November 1, 1881, were read and approved.

A lease was presented by Mr. Blackford, from John D. Jones, for ten years, of the site at Cold Spring, Long Island, referred to at the last meeting of the board, as that of a proper one for a hatchery, which was, on motion of Commissioner Blackford, approved, signed and acknowledged by the commissioners present; and the thanks of the commissioners were directed to be communicated to Mr. Jones for his generous action.

Mr. Blackford, from the committee heretofore appointed to make investigations regarding the proposed hatchery on Long Island, re-

ported an estimate in detail of the cost of conducting such hatchery to the end of the present year, which was ordered placed on file.

A communication was presented from H. D. McGovern asking employment at the proposed new hatchery, which was ordered to be placed on file.

On motion of Mr. Sherman the following resolution was adopted:

*Resolved*, That a fish hatchery be established at Cold Spring, Long Island, on the grounds leased to this Commission by Messrs. J. D. Jones and W. R. D. Jones; and that the sum of \$3,000, heretofore set apart on the recommendation of Commissioners Blackford and Roosevelt, the committee appointed on this subject at the general meeting of the Commission, held March 31, 1880, be appropriated for the purpose of equipping such hatchery and conducting its operations during the current year; and that the superintendent of the State hatchery at Caledonia, Seth Green, be directed to go to the site of the proposed new hatchery and, under the direction of Commissioners Blackford and Roosevelt, fit up the buildings on the premises, construct the requisite ponds and supply the necessary outfit. That the work of making screens and hatching trays be done, as far as practicable, at the State hatchery at Caledonia, and by the hands regularly employed there; and that such of said employees as may be spared from Caledonia be detailed for the operations of the new hatchery; and that such portions of fish spawn as may be spared from Caledonia be furnished to the Cold Spring establishment; and that the whole direction of the new hatchery be committed, till further order, subject to the control of the board of commissioners, to Commissioners Blackford and Roosevelt who are hereby duly appointed for that purpose, with authority, if they shall deem it expedient, to appoint a resident superintendent therefor.

On motion of Mr. Blackford it was

*Resolved*, That the secretary be authorized to prepare a report to the legislature of the operations of the Commission since the last report, for presentation to the legislature; and also a memorial to that body touching the subject of the annual appropriation needed for the uses of the Commission.

Mr. Blackford, as the committee to which was referred at the last meeting, the communication from Mr. H. D. McGovern touching charges alleged to have been made against him, reported the following resolution, relative thereto, which was adopted.

*Resolved*, That in the matter of the communication of Mr. H. D. McGovern to this Commission, we find, after investigating the matter, that there is nothing in the records of the Commission that reflects upon Mr. McGovern's character.

Adjourned.

## CORRESPONDENCE.

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ERIE COUNTY, WILLINK, N. Y., }  
February 4, 1882. }

SETH GREEN, Esq. :

DEAR SIR—In reply to your postal inquiring in regard to success in stocking waters in this place with fish, would say that at first they made good progress, and in the fall there were apparently thousands of the small fry. These attained a size of five or six inches in length before they were all destroyed by the tannery of Ramsay & Co. This is one of the largest tanneries in the country, and when they turn the refuse liquor from their tanks into the stream, the water is colored, for several weeks at a time, a very dark color. I think that the acids used in the tannery must destroy the fish, as not one appears to live in the stream for several miles below the tannery, either bass or any other kind. We think it a shame, but as the firm represent several millions of dollars they are very indifferent to the wishes of the people.

Yours truly,  
W. D. JONES.

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### HERKIMER AND HAMILTON COUNTIES.

I am glad to know that our order for two hundred thousand brook, California and salmon trout has been booked, and that we are to have them. Some ten years since, when you commenced to stock the Fulton chain of lakes, many persons looked upon the so-called experiment as of little practical importance. *Then* both salmon and speckled trout fishing were very poor—so poor that through the late summer months parties of tourists had to depend upon other sources of supply for the table than from the water. The last two years have convinced, convicted, and converted all the skeptics on “restocking.” Last year, all through July and August, which are the poorest months to catch trout, they could be had “simply for the asking” them to bite. Deep-fishing for salmon was very good, indeed; and the aurora-borealis-lightning-capped-acme of sport—speckled-trout fishing with a fly-rod—was superb.

Keep John Brown's tract as well stocked as it is now—make it better, if you can—and all we disciples of Isaac Walton will rise up and call you blessed.

BOONVILLE, N. Y.

CALVIN GRAVES.

## DELAWARE COUNTY.

WALTON, N. Y., *February 17, 1882.*

MR. SETH GREEN :

Your postal of January 31, last, was received. Would have been answered before, but illness prevented.

In reply, would say that our success in attempting to stock our brooks with speckled trout has, so far as we have been able to ascertain, been very encouraging.

There has certainly been a very noticeable increase in the number of trout in our streams. Our creek, for instance, illustrates our success very thoroughly. The West brook has near its mouth a tannery which has been the means of preventing the trout from running up. Before we commenced stocking it there was hardly any trout in the stream; last year a large number of nice messes were caught from there, and this year the residents on the stream report a larger number noticeable than before in years.

As to California mountain trout, we only commenced last year; but our observation as to them, thus far, is that they are doing nicely, and most all living and thriving.

We certainly think that you are doing a splendid work.

Respectfully yours,

SAMUEL H. FANCHER,  
E. D. MAYHEW.

## LIVINGSTON COUNTY.

*February 14, 1882.*SETH GREEN, Esq., *Commissioner of Fisheries :*

DEAR SIR — In reply to your postal of January 31, 1882, would say that through the kindness of Mr. Jno. Hyland of this place, I am enabled to give you the following facts touching the matter of the success of artificial fish propagation in this vicinity.

The California mountain trout were planted in the summer of 1878, in the headwaters of the Genesee river, said waters being spring brooks in the counties of Livingston, Allegany and Steuben. The first small lot was placed in Stony brook, and during the seasons of '80 and '81 many fine lots were taken, some individuals weighing twenty ounces. Mr. Hyland knew of one weighing eighteen ounces being caught by hand, and after being confined in a spring for a few days, returned to the stream. The growth of this fine game fish in Stony brook is simply wonderful, and in our opinion this stream has not its equal in the State for the propagation of the California mountain trout. The waters of Canaseraga creek, principal tributary of the Genesee river, and Mill and Little Mill creeks have also been stocked. These waters formerly abounded with native trout, but persistent fishing has depleted them, and now but for artificial propagation they would be barren waters. Since your kind allowances of mountain beauties from the State hatchery at Caledonia, we are looking forward to the time when the streams about Dansville shall afford excellent sport.

Many delegates to State Sportsmen's Convention in Rochester will remember the fine show of yearlings exhibited by the Dansville dele-

gates, and shown the convention by yourself. Assuring you that the success of your efforts in this vicinity are abundantly encouraging,

I remain,

Very truly yours,

H. W. DE LONG.

### SHAD IN LAKE ONTARIO.

Between the years 1870 and 1878, Seth Green, superintendent, put six hundred and fifty-eight thousand young shad into the Genesee, Black, Oswego and other rivers emptying into Lake Ontario, for the purpose of stocking that lake with that very desirable food fish. He believes that none of the one hundred and thirty-eight thousand placed in Oswego river ever reached the lake because they were devoured by the eel-weirs that are so thick in that river. That some of the others reached the lake and there multiplied and grew great is shown by the following letters which Mr. Green received yesterday. The first is an extract from a letter written by G. W. McPherson, a fish-dealer at Cape Vincent. He says :

"As to shad, you know the first one we caught was in the river at Carlton island. We sent it to you; it weighed four and one-half pounds, and was caught in 1872. Since then the shad have increased in numbers until this season, when there has been not more than ten to fifteen caught. Last year there was a good many, but the most was caught in 1879. I believe as many as one hundred and fifty. I think there was at least an average of fifty a year for eight years, caught at this end of the lake, making four hundred in all. They have been caught in trap nets and pound nets all along the lake shore from the St. Lawrence river to Salmon river. Don't think there was any pound net or trap set but what caught some. The nets were set in from ten to thirty feet of water. The greatest number was caught in 1879, near Grenadier's island in some small pound nets set in about twelve feet of water. They brought in as many as fifteen at one time. At two nights' set they took about thirty in one week, and got quite a number after that. The men's names who caught them were Wm. Horning and Frank James. The shad that have been caught here were equal to other shad in size, look or quality, and no inferior ones have been taken. So there is no doubt that it would pay to stock the lake, even if it had to be kept up artificially. Up the Canada shore they have caught but very few, because they don't set nets that will catch them."

Mr. Green states that the shad that was sent to him was filled with lake food, and was of as fine flavor as any shad he ever tasted. Also that the shad can live and thrive on the same kind of food which keeps the white fish in Lake Ontario.

The other letter showing the success of previous stocking is given below :

WOLFE ISLAND, *December* 12, 1881.

S. GREEN, Esq.:

DEAR SIR— I have pleasure in stating to you that the shad fry placed in Lake Ontario by you are likely to prove a great acquisition to

its finny inhabitants. A number of very fine specimens were taken during the fall by our fishermen. One fish-dealer at Kingston, Léwis Hanson, says that he bought about forty, averaging between two and three pounds. They were caught in deep water, in white fish gill nets. They sold very rapidly, at the same price as white fish. Their quality and delicious flavor is equal to the real salt-water shad. I have made arrangements with fishermen and dealers in fish to send me a few of the next brought into market, and I will send them to you. We are all well.

Yours very faithfully,

PETER KIEL,

*Fishery Overseer.*

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STOCKING WATERS IN DUTCHESS CO., NEW YORK.

NEW HAMBURGH, N. Y., *February*, 1882.

SETH GREEN, Esq., *Superintendent New York State Hatchery* :

DEAR SIR — I desire to express my thanks, as well as the thanks of the rest of the fishing fraternity of these parts, to you for the great success we have had in stocking streams in this vicinity. Some seven years ago I went to Rochester and procured some fifteen mature Oswego bass (called big-mouthed bass), and put them in Wappinger's creek, above tide water. The creek at that time contained no fish but small sunfish, a few chubs and shiners, but at present is literally alive with Oswego bass. Through its entire length, some thirty miles, numbers have been taken the past season weighing over three pounds each, and bass have been taken from this creek to stock lakes and ponds all over the county.

The same season I procured from Caledonia fifteen thousand salmon trout fry and placed the same in Sylvan lake, Dutchess county. The following year I procured fifty thousand more and placed them in same lake, and to-day the salmon-trout fishing in the lake is prime, notwithstanding a good many of the knowing ones said the black bass in the lake would gobble all my trout fry; but they didn't, and after we found out how to fish for them by reading your letters published in the papers, we have had rare sport. I heard of one being taken by deep trolling in this lake the past summer that weighed five and three-quarter pounds.

With brook trout my success has been equally as good, where I have put the fry in the streams myself. A great many make a total mistake in stocking trout streams. They turn the fry loose into the swift current of a stream; the fish being young are weak and tired after a journey from the hatching-house, and are at once swept down stream and generally settle on the bottom in the eddies and still pools, where they are at once gobbled up by the innumerable chubs and shiners, and other small fish of the brook. In stocking brooks with trout fry, I always place the young fry in small rills or feeders that empty in the main brook. These rills or feeders always proceed from a fountain bed or spring, and the water in them is always very cold and you never find any shiners or small fish in them, as the water is too cold for them to live in; here your trout fry will stay nearly a year, and at the



same time they get their natural feed from the waters, and you don't have to feed them, and when they run into the main stream they are large and strong enough to take care of themselves.

Last spring I procured from Caledonia five thousand California mountain trout fry, and as I had heard so much of this aquatic stranger, and had been a long time trying to get a stock, I concluded to take extra pains with them. I found a suitable stream among the mountains of Dutchess county, and going well up to the head of the stream I found three small springs, each spring having an outlet to all three outlets, discharging into one basin, which connected with the main stream. I dammed up the basin, where the water entered the main stream by pinning down a couple of slabs, filling in with mud on both sides of the slabs. This backed the water and gave me quite a nice little pond. In this pond I put my fry, and hired a man living on the ground to watch them through the summer, and they have done splendidly; never fed them a thing since I put them in, and will let them in the main stream as soon as all danger of spring freshets have passed. Some of these fish are nearly three inches long. They are a fine healthy lot of fish, and as you walk near the pond you can see them sport and dart in all directions. I have taken a good many anglers over to see them, and they have attracted a good deal of attention. I have never thrown a fly over them yet, nor do I intend to let any one else try it.

P. A. M. VAN WYCK.

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#### OSWEGO COUNTY.

PULASKI, N. Y., *February, 1882.*

SETH GREEN, Esq., *Supt. N. Y. State Fish Hatchery:*

DEAR SIR — It is with great pleasure I inform you that your prediction, that Salmon river, below the great falls, and its tributaries would prove favorable waters for the growth of the "California mountain trout," has been verified.

The open winter has been favorable for observing the young fry you sent to me at Pulaski, Oswego county, N. Y., last June, and many have been observed in these waters over three inches long, appearing vigorous and healthy. The first lot you sent were planted in Salmon river, at and below the falls, and in its tributaries known as Tuttle brook, east and west branches, Trout brook and Spring brook. There were twenty thousand in this shipment, contained in five tanks, and so strictly were your directions followed that not a single fry was lost. The second lot of thirty thousand, sent later, were planted July 2, in different localities of the same streams, but for some reason or other some were lost.

It is hoped you will be able and willing to furnish us another lot the coming spring, so that we may in good time reap the blessings of these extraordinary game and food fish, the *first* introduction of which, east of the Rocky mountains, and in the State of New York, the people owe to your foresight and experience in fish culture. Trusting these plants, under judicious laws for their protection, may so thrive

that their exhaustion may be impossible, even if skill like your own were brought to bear upon them, we hope to be able to continue the experiment until such a state of things shall be assured.

Many years ago Salmon river and its tributaries were alive with brook trout (*salmo fontinalis*) and the noble salmon. Now, alas, owing to causes too numerous to mention, they are nearly all gone. They are, comparatively, a barren waste of waters so far as the trout and salmon are concerned; but as you know their adaptation to the growth of the California mountain trout, the success of the experiment, so far, gives us hope in the new plant of the mountain trout; and if final success shall be assured (and we believe it will be) the honor of the achievement will be all your own.

Respectfully,

CHAS. H. CROSS.

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REPORT ON THE TROUT STREAMS OF LONG ISLAND—THEIR CHARACTER, AND THE POSSIBILITY OF ESTABLISHING A HATCHERY UPON THEM IN THE VICINITY OF SALT WATER.

*To the New York Commission on Fisheries :*

GENTLEMEN — I respectfully submit the following report. In accordance with instructions received from you at your last meeting, August 4, I have made a careful survey of many of the streams of Long Island and the salt waters into which they empty, and find that on most of the streams there is some element lacking to make them conform to the ideal site for a fresh and salt-water hatchery and experimental station.

THE SOUTH SIDE.

Beginning at the eastern end of the island and coming down the south side, the first stream is that occupied by Mr. George W. Thompson at Noyac, three miles west of Sag Harbor, which is one hundred miles from New York. Mr. Thompson has a fine stream, and a series of small ponds with plenty of fall to the water. His place is situated about one-quarter of a mile above a large mill-pond, and is about one mile from Peconic bay, into which the stream enters. A road runs below the mill, and then the stream meanders through a flat to the bay. The mill is owned by Mr. Henry Chadwick, of the *New York Sun*. The large pond is about twenty feet above the level of the bay. Ponds for trout could be made above the road, which is the extreme limit of the highest tides. The use of the meadows can be obtained free of charge, and Mr. Chadwick says that "the land above the road can be had on very low terms — almost to suit ourselves." The location is a fair one, but far from New York, and is not as accessible as might be required. [Diagram shown.]

At River Head, seventy-three miles from New York, is a fine stream about two miles from the village. It is owned by Mr. J. H. Perkins, and is used to flood a cranberry meadow. The volume was great, in a dry time, and it is now inhabited by trout, some of which are large. In winter the cranberry meadow is flooded by closing the gate below, and the water is raised ten feet. Below the dam there is still fall enough to get a head for hatching purposes, and a flat on which ponds



could be made at small expense. The stream flows in a winding manner into Peconic bay, perhaps a mile away. The water in the bay is shallow here, and not very salt. Mr. Perkins and Mr. Nat. W. Foster are very anxious to have the hatchery located there, and will, if necessary, buy the land below the dam, and let it to the Commission at a nominal sum. They regard the establishment of a hatchery on Long Island as a work which will be of great public benefit and of advantage to the place where it is situated. Of the stream I can report very favorably, but the salt water is not so readily accessible, nor so good. It is shallow and lacks density. It is doubtful if salt-water fishes spawn as far up Peconic bay as this place.

At Quogue there is a small stream owned by Mahlon Phillips, and leased to Messrs. L. Pike and Dr. Arnold — the latter gentleman I believe to be a New York man. It lacks fall, and in a dry time is small. I report unfavorably on this.

At Atlanticville is a fair trout stream which has no pond. It empties into Shinnecock bay. It is owned by Hiram Carter, and runs through a swamp with little fall.

At Patchogue there are some good places for trout, and ponds have been made there. The stream which crosses the road near salt water is infested with the small brook pike — *Esox americanus*, or *E. fasciatus*, as it has been called. Mr. Willet Robinson has ponds at New Canaan, near Patchogue, but at a distance from salt water.

The streams between Patchogue and Bay Shore I did not examine critically, for several reasons. They are, with the exception of the one owned by the South Side Club and the "Green River," near Sayville, of the same general character as other South Side streams, flat and quite warm near the bay. This temperature, while not above the point at which trout thrive, would, in my opinion, become so if the streams were again expanded in other ponds; and trout find it uncomfortable above 70 degrees. Another reason was, that the summer residence of Mr. Roosevelt at Sayville would enable him to form a better judgment on these streams than I could do in the short time which I could devote to it.

At Bay Shore the ponds of Mr. Phelps contain much iron in solution. This is, as you are aware, very bad for hatching purposes. Mr. True owns a small stream between Bay Shore and Babylon, but it is too small.

At Babylon Mr. Wagstaff has a large pond east of the village. It contains trout, but the stream below has iron in it. Mr. E. B. Sutton also has a large pond by the road. The stream below was warm — 67 degrees. In the village Mr. John M. Oakley has a pond with a stream running on one side of it containing iron. Temperature, 66 degrees. At Thayer's paper-mill there is a great flow and fall quite near salt water. Temperature, 66 degrees. At Mr. Johnson's, west of Babylon, is a good flow and fall, temperature 62 degrees and quite near salt water, but the flats are overflowed, and at very high tides the water comes up to the road, which runs just below the large pond. I do not think that the water below these large ponds is as desirable as that from springs or from smaller ponds.

At Breslau the stream owned by Albert Strong is cool, being 56 degrees, but lacks fall, and is a mile from the bay.

A small stream at Amityville, owned by Messrs. James Bennett and

W. Murphy, with the same character as the above. Most of the streams along this part of the bay are the dividing lines of farms, and therefore owned to the center by different persons, making it difficult to get control of them. Henry Van Ostrand and J. E. Ireland own the next stream. They have a pond of ten acres, and a fall of seven or eight feet at the dam, which is three-quarters of a mile from the bay.

At South Oyster bay are Timothy Carmen's ponds, and next to these Mr. John D. Jones has a large pond one and a half miles from the bay. The temperature of the stream below is 66 degrees. This gentleman also owns springs on the north shore at Cold Spring, and offers the Fish Commission the free use of any of his waters. Mr. Seaman's ponds are above Mr. Jones' on the same stream. Then comes the ponds of Mr. Geo. Floyd Jones, followed by those of Mr. Wm. Floyd Jones, who owns the large Manapequa pond. Mr. Meinell owns the next one. These ponds are all more or less warm, and some distance from the bay.

Near Freeport is a flat stream in a cedar swamp, which is cool, but lacks fall near the bay.

At Flatlands is a good trout stream, probably the nearest one to Brooklyn containing wild trout. It is owned by Mr. Conover. I am under obligations to Mr. Edmund Orgill, of Brooklyn, for showing me this stream by driving down with his own horse and buggy. The stream is a good one, but rather inaccessible by rail, and is a long distance from Jamaica bay to the head of tide-water.

#### THE NORTH SIDE.

At Setauket, fifty-six miles from Long Island City, is a mill-pond containing trout. Martin Nevins also owns a trout pond. The pond is used for milling purposes, and in a dry time does not always have water to spare.

Smithtown has a fine stream called the Nissequoge river. A dam near the railroad makes a pond some four or five miles from the bay. Above this are the ponds of Mr. Aaron Vail, one of the oldest of American trout culturists. Mr. John M. Tyler is also engaged in trout culture here as well as Mr. J. L. Smith. Mr. Tyler is below the dam and has small ponds beside the river. Further down the veteran trout-breeder, Mr. Wm. H. Furman, formerly of Maspeth, has just begun the building of ponds. He very kindly showed me the river and took me a mile or more up it in a boat. Mr. Furman thinks it is the best place on the island for trout. It certainly is a fine stream, winding down a valley in a bed which it has cut in the bottom lands. But these bottoms are overflowed at the ordinary high tides and Mr. Newton, keeper of a hotel up near the railroad, says that spring tides have been known to raise, in conjunction with an east wind blowing up the sound, ten feet of water where Mr. Furman's ponds are, and that seven years ago he stepped from the porch of his hotel into a boat. This would render this location very hazardous.

Cold Spring, thirty-two miles from Long Island City, has a place fitted in all respects for a trout farm, with facilities for ponds of other fish, within three hundred yards of salt water at low tide. It is owned by Mr. John D. Jones, President of the Atlantic Mutual Insurance Company, the gentleman referred to as having ponds at South Oyster bay. Mr. Jones will not sell the site, but offers the Commission the free use of his property for five years or more. Mr. Jones

and his brothers have three great ponds which are used for milling purposes and all contain trout, but below these, and entirely disconnected from them, are springs in the hill side which formerly turned a woolen mill now unused. These springs, the mill for a hatchery and space for ponds on the flat below to which salt water comes at high tide, are at the use of your commission. I report most favorably upon this place. It is a mile and a half from the railroad station, and a stage meets most trains.

At Oyster bay is the pond and stream of Mr. Butler Coles. The pond is a large one, and is used to turn a grist-mill. When I saw it the pond had been drawn down for repairs, and no water was running in the race-way, but all went over the dam. It seemed a fine stream, more than sufficient for use in the mill. The salt water is within a stone's throw of the dam at high tide, and probably comes up to it in a north-east storm. There is not a great deal of available space on the flats for ponds, but the location is a very fair one. The railroad station is Syosset, twenty-nine miles from Long Island City, and the pond is five miles from the station. A stage meets all trains and lands passengers at the post-office at Oyster bay, which is about three-quarters of a mile from Mr. Coles'. Mr. Benjamin L. Swan and other gentlemen feel an interest in the proposed hatchery and would like to see it located there if it is thought to be available. Mr. Swan drove me over the ground and showed me great attention. Unfortunately, I did not see Mr. Coles. The distance from the railroad station is inconvenient. [Diagram with the springs and pond shown.]

At Roslyn are the trout ponds of Mr. Thomas Clapham. There is no mill here. Mr. Clapham was formerly paying much attention to trout culture, but for the past few years has devoted his attention to yacht building and neglected his ponds. Roslyn is twenty-three miles from Long Island City, and the ponds are about a mile from the station. There are fine springs and a stream which heads a short distance above. There is also a rude hatching-house which can be temporarily used, as well as some small ponds which need repairs. Salt water is within about three hundred yards at low tide and half that distance at high tide. I can also report most favorably on this place. While here with Mr. Blackford we were both thrown from a wagon and were both so badly bruised that it prevented conversation with Mr. Clapham on the subject of using his waters, but I believe that Mr. Blackford has since seen him and perhaps knows his views. To obtain the full facilities which this place offers it would be necessary to purchase a piece of property above Mr. Clapham in order to use the stream.

In conclusion, I would say that while the East End and the South Side may have at present more sea fishes fit for food, the time has been when the fishes now found there were common to the North Side. There are men now living, near Cold Spring, who have taken large bluefish, sheepshead, Spanish mackerel, common mackerel, kingfish and other valuable species in the waters of the Sound, and Spanish mackerel have recently been taken there, while the striped bass are often found. Mr. John H. Smith, of Old Field, near Setauket, has taken sheepshead this summer near Crane Neck Point.

In my search I looked mainly for a good trout stream contiguous to salt water, as in such a place the trout, perch, black bass and carp might be propagated and the sea fishes at least observed. It will be difficult to establish a hatchery for salt-water fishes anywhere on Long

Island, for the reason that the Commission cannot, in its present financial state, fish for the spawning fish, which are rare, and they do not seem to spawn freely in any one place north of Chesapeake bay. But, with a ready access to salt water, the Commission can be prepared to take advantage of the accidental capture of spawning fish by the fishermen, or to act in connection with the United States Fish Commission, which is now experimenting with the cod, Spanish mackerel and other fishes, and by a simple arrangement of live boxes be prepared to receive such fry as they may have to dispose of, or of the introduction of foreign sea fishes, and keep them for distribution in such waters as in their judgment may seem proper.

In this view of the case, I would recommend the places at Cold Spring and Roslyn as the two best for the work, giving preference to the former. Riverhead and Oyster bay as the next two, giving the latter preference on account of its proximity to the city and the quality of its salt water.

FRED. MATHER.

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“B.”

SPAWN SHIPPED FROM NEW YORK STATE HATCHERY 1879, 1880.  
1879.

December 19. H. Kuhl, South Brooklyn, N. Y., 300 brook trout spawn.

December 23. Greene Co. hatchery, Palenville, N. Y., 1,216,000 salmon trout spawn; fish to be deposited in Green lake, Long Loskey lake and Hudson river; 80,200 brook trout spawn; fish to be deposited in streams in Greene Co.; delivered, hatched and distributed by A. W. Marks, superintendent Greene Co. hatchery, Palenville, Greene Co., N. Y.

1880.

January 20. G. L. Morse, Yonkers, Westchester Co., N. Y., 15,000 brook trout spawn; fish to be deposited in streams in Westchester Co.

January 21. Richard Titus, Poughkeepsie, Dutchess Co., N. Y., 6,000 brook trout spawn; fish to be deposited in streams in Dutchess Co., N. Y. Ordered by P. A. M. Van Wyck, New Hamburg, N. Y.

February 17. M. Hurley, Quebec, Canada, 500 brook trout spawn.

February 24. Myron Buttles, Newcomb, Essex Co., N. Y., 40,000 brook trout spawn; for streams in Essex Co. Ordered by F. H. Weeks, New York, for Adirondack club.

March 23. R. C. Case, Albany, N. Y., 10,000 brook trout spawn; for Coon creek and Spaw creek, tributaries to West Hungrykill, and Kilmer creek, tributary to East Hungrykill.

March 23. M. B. Hurley, Quebec, Canada, 500 brook trout spawn.

March 23. R. B. Roosevelt, New York, 5,000 brook trout spawn; for Roosevelt creek at Sayville, L. I.

1880.

April 21. R. B. Roosevelt, New York, 5,000 California mountain trout spawn.

May 3. H. W. Webster, superintendent, Wisconsin Fish Commission, Madison, Wis., 500 California mountain trout spawn.

May 3. Martin Metcalf, Battle creek, Mich., 300 California mountain trout spawn ; in exchange for grayling spawn.

# SPAWN SHIPPED FROM NEW YORK STATE HATCHERY, 1880, 1881.

1880.

January 24. J. E. Castellanos, Care S. Serpo, 73 Wall street, New York city, 1,000 brook trout spawn ; to be taken to Havana, Cuba.

1881.

March 7. C. J. Bottemanne, Bergen, Op Zoom Netherlands, per S. S. Sheidam, 25,000 brook trout spawn.

March 7. P. M. Van Wyck, New Hamburg, N. Y., 3,000 brook trout spawn ; to be hatched by Richard Titus for streams in Dutchess Co.

March 31. Hon. R. B. Roosevelt, 76 Chambers street, New York, 2,000 brook trout spawn ; for streams on Long Island.

April 12. Robt. J. Hallett, Capeville, Northampton Co., Va., 550 California mountain trout spawn.

April 19. For Head waters, Hudson river and streams, controlled by Adirondack club, Essex Co., 40,000 California mountain trout spawn, 20,000 brook trout spawn. Ordered by Myron Buttles, superintendent Adirondack club, Newcomb, Essex Co., N. Y. Delivered by W. D. Marks.

April 22. Bisby lakes and streams controlled by Bisby club, Herkimer Co., 28,000 California mountain trout spawn. Ordered by Hon. R. U. Sherman, New Hartford, Oneida Co., N. Y.

April 23. Greene Co. Hatchery ; fish to be distributed in waters of Greene Co., 40,000 California mountain trout spawn. Ordered by John Goodwin, Palenville, Greene Co., N. Y.

May 3. West branch, Delaware river, Delaware Co., 15,000 California mountain trout spawn. Ordered by Col. E. Z. C. Judson, Stamford, Delaware Co., N. Y.

May 3. Roosevelt creek, Suffolk Co., L. I., 10,000 California mountain trout spawn. Ordered by Hon. R. B. Roosevelt, 76 Chambers street, New York.

May 16. Martin Metcalf, Battle creek, Mich., 1,000 California mountain trout spawn.

May 16. O. J. Tillson, Highland, Ulster Co., N. Y., 1,000 California mountain trout spawn.

May 16. H. W. Welsher, superintendent Wisconsin Fish Commission, Madison, Wis., 8,000 California mountain trout spawn ; in exchange for lake trout spawn.

## "C."

## FISH SHIPPED FROM NEW YORK STATE HATCHERY, CALEDONIA, N. Y., 1879, 1880.

1879.

December 2. John Greenway, Jr., Syracuse, N. Y., two Kennebec salmon; two California salmon; two salmon trout; two brook trout; all three years old; for aquarium.

December 4. Allen creek, town of Wheatland, Monroe Co., N. Y., 514 California salmon, three years old. Deposited by J. Mason and W. D. Marks.

1880.

January 13. John Greenway, Jr., Syracuse, N. Y., two Kennebec salmon; two California salmon; two salmon trout; two brook trout, three and four years old; for aquarium.

January 13. James Backus, Rochester, N. Y., two land-locked salmon; two Lake Ontario salmon; two brook trout; all two years old; for aquarium.

January 21. Spring creek, Monroe Co., N. Y., 60 California and Kennebec salmon, three years old.

February 16. Caledonia Spring creek, Livingston and Monroe Co.'s N. Y., 20,000 brook trout, delivered by E. L. Marks.

February 18. Otsego lake, Otsego Co., 50,000 salmon trout. Ordered by A. M. Thayer, Cooperstown, Otsego Co., N. Y. Delivered by E. F. Boehm.

February 23. Henderson and Jimmey lakes, Essex Co., 75,000 salmon trout. Ordered by Francis H. Weeks, 47 Wall street, New York, for Adirondack club. Delivered by Myron Buttles, Newcomb, Essex Co., N. Y. Assisted by James Marks.

February 25. Fulton Chain lakes, Herkimer Co., first, second, third and fourth, 114,000 salmon trout. Ordered by B. P. Graves and Geo. May, Boonville, N. Y. Delivered by E. L. Marks and Jonathan Mason.

March 1. Otsego lake, Otsego Co., 50,000 salmon trout. Ordered by A. W. Thayer, Cooperstown, N. Y. Delivered by E. F. Boehm.

March 3. Hemlock lake, Ontario Co., 50,000 salmon trout. Inlet to Hemlock lake, Livingston Co., 10,000 brook trout. Ordered by W. H. Pierce, Springwater, N. Y. Delivered by J. Mason.

March 5. Hemlock lake, Ontario Co., 125,000 salmon trout. Ordered by B. G. Blake, Livonia, N. Y. Delivered by E. F. Boehm.

March 5. St. Regis river, St. Lawrence Co., 21,000 brook trout. Berkeley pond, St. Lawrence Co., 7,000 salmon trout. Ordered and delivered by Alfred Judd, Parishville, N. Y.

March 13. Nine-mile creek, Oneida Co., 5,000 brook trout. Ordered and delivered by Joseph S. Tanner, Marcy, N. Y.

March 13. Keuka lake, Yates Co., 75,000 salmon trout. Ordered by G. S. Weaver, Albany, N. Y. Delivered by E. F. Boehm.

March 15. Big lake, St. Lawrence Co., 8,000 salmon trout. Ordered by Warren Glasby, Fine, N. Y. Delivered by J. Mason.

March 15. Spring creeks, tributaries to Nick's lake, Herkimer Co.,



- 50,000 brook trout. First lake, Fulton chain, Herkimer Co., 14,000 salmon trout. Ordered by B. P. Graves and Geo. May, Boonville, N. Y. Delivered by E. F. Boehm.
- March 16. Canandaigua lake, Ontario Co., 100,000 salmon trout. Delivered by W. D. Marks.
- March 16. Carpenter's brook, Onondaga Co., 10,000 brook trout. Ordered and delivered by R. Wood, Syracuse, N. Y.
- March 17. Keuka lake, Yates Co., 80,000 salmon trout. Ordered by G. S. Weaver, Albany, N. Y. Delivered by W. D. Marks.
- March 19. Lake Ontario, Monroe Co., 75,000 salmon trout. Delivered by M. A. Green.
- March 21. Canandaigua lake, Ontario Co., 96,000 salmon trout. Ordered by James Menteth and G. M. Finley, Canandaigua, N. Y. Delivered by W. D. Marks.
- March 21. Chazy lake, Clinton Co., 50,000 salmon trout. Ordered and delivered by S. M. Noel, Dannemora, N. Y.
- March 22. Tributaries to Bisby lakes, Herkimer Co., 20,000 brook trout. Woodhull lake, Herkimer Co., 24,000 salmon trout. Ordered by R. U. Sherman, New Hartford, N. Y.
- March 22. Schenevus creek, Otsego Co., 6,000 brook trout. Ordered by H. H. Smith, Worcester, N. Y. Delivered by J. Mason.
- March 22. For aquarium at No. 4 engine-house, Rochester, N. Y. four three-year-old brook trout, four three-year-old salmon trout.
- March 29. Oriskany creek, Oneida Co., 20,000 brook trout. Ordered by H. H. Miller, Clinton, N. Y. Delivered by E. F. Boehm.
- March 29. West Canada creek, Herkimer Co., 20,000 brook trout. Ordered and delivered by J. E. S. Wilkinson, Wilmurt, N. Y.
- March 30. Reservoir at Warwick and Prospect lake, Orange Co., 15,000 salmon trout. Ordered by W. H. Wood, State Hill, N. Y. Delivered by B. W. Scott.
- March 31. E. G. Blackford, Fulton market, New York. For fish exhibition, one large salmon trout, one large California mountain trout, two two-year-old California mountain trout, one three-year-old hybrid cross California salmon and brook trout, one Kennebec salmon, four large brook trout, one land-locked salmon, one four-year-old salmon trout.
- March 31. Fostertown, Middlehope and Woodbrow brooks, Orange Co., 12,000 brook trout. Wood lake, Orange Co., 6,000 salmon trout. Ordered by M. G. Muir, Newburgh, N. Y. Delivered by E. F. Boehm.
- April 5. Jones and Corbin creeks, St. Lawrence Co., 12,000 brook trout. Ordered by A. Corbin, Jr., Gouverneur, N. Y. Delivered by E. F. Boehm.
- April 6. Dry creek and Tioughnioga river and tributaries, Cortland Co., 20,000 brook trout. Ordered by H. A. Randall, Cortland, N. Y. Delivered by W. G. Davenport.
- April 7. Fort Hill brook and Dunn creek, Wyoming Co., 8,000 brook trout. Ordered by John S. Dunn, Portageville, N. Y. Delivered by Wm. Mosher.
- April 8. Buffalo creek, Erie Co., 12,000 brook trout. Ordered by J. F. Hitchcock, Lancaster, N. Y. Delivered by J. Mason.
- April 8. Hemlock lake, Ontario Co., 50,000 salmon trout. Delivered by E. L. Marks.

- April 8. Small lake, Albany Co., 10,000 brook trout. Ordered by Wm. Grounds, Albany, N. Y. Delivered by J. Mason.
- April 8. Canasawacta creek, Chemung Co., 10,000 brook trout. Ordered by T. D. Miller, Norwich, N. Y. Delivered by E. F. Boehm.
- April 12. Burt's and Carpenter's brooks, Orange Co., 10,000 brook trout. Ordered by B. F. Vail, Warwick, N. Y. Delivered by E. F. Boehm.
- April 12. Shawangunk-kill and Wawayanda creeks, Burt's, Silver and Spring brooks, Orange Co., 25,000 brook trout. Ordered by W. H. Wood, State Hill, N. Y. Delivered by E. F. Boehm.
- April 12. Carrington and Beebe brooks, Washington Co., 6,000 brook trout. East and West Warrington brooks, Warren Co., 18,000 brook trout. Ordered by A. P. Cooke, Whitehall, N. Y. Delivered by W. D. Marks.
- April 12. Tributaries to Geddes brook, Onondaga Co., 20,000 brook trout. Ordered and delivered by James Geddes, Syracuse, N. Y.
- April 13. Pierson run and Spring brooks, Orange Co., 30,000 brook trout. Ordered by W. H. Nearpass, Port Jervis, N. Y. Delivered by E. L. Marks.
- April 14. Wayles brook, Oswego Co., 10,000 brook trout. Ordered by G. W. Herman, Oswego, N. Y. Delivered by C. M. Mattison.
- April 14. Averill creek, Rensselaer Co., 5,000 brook trout. Ordered and delivered by H. F. Averill, 120 Broadway, N. Y.
- April 15. Woodbury, Lewis, Middlehope, Silver, Stirling, Blue Spring, Titus Tin and Fostertown brooks, Walkill river and Orange lake, Orange Co., 30,000 brook trout. Darling lake, Orange Co., 10,000 salmon trout. Ordered by D. S. Waring, Newburgh, N. Y. Delivered by E. F. Boehm.
- April 16. Olove creek, Dutchess Co., 6,000 brook trout. Ordered by P. A. M. Van Wyck, New Hamburg, N. Y. Delivered by E. F. Boehm.
- April 16. Large spring, Cayuga Co., 1,000 brook trout. Ordered and delivered by John R. Page, Sennett, N. Y.
- April 16. Canandaigua lake, Ontario Co., 60,000 salmon trout. Delivered by W. D. Marks.
- April 16. Allen creek, Monroe Co., 8,000 salmon trout. Delivered by M. A. Green.
- April 17. Brunnus brook, Hemlock and Ford's creeks and tributaries to Genesee river, Allegany Co., 28,000 brook trout. Ordered and delivered by G. Eugene Farnum, Wellsville, N. Y.
- April 19. Headwaters and tributaries to Delaware river, Delaware Co., 25,000 brook trout. Ordered by J. W. Griffin, Hobart, N. Y. Delivered by E. F. Boehm.
- April 19. Teller creek, Albany Co., 5,000 brook trout. Ordered by Wm. Teller, Albany, N. Y. Delivered by E. F. Boehm.
- April 20. Ischua creek, Gates creek and Bay brook, Cattaraugus Co., 15,000 brook trout. Ordered by John Little, Jr., Franklinville, N. Y. Delivered by J. Mason.
- April 20. Spring brook, Erie Co., 20,000 brook trout. Ordered by H. M. Barry, Springville, N. Y. Delivered by J. Mason.
- April 21. Miller and Dunley's brooks, Carver, Black, Bowles and Gibbis creeks, Steuben Co., 25,000 brook trout. Ordered by Chas. Thompson, Wayland, N. Y. Delivered by W. D. Marks.



- April 21. Five-mile creek, and east branch Great Valley creek, Cattaraugus Co., 15,000 brook trout. Ordered and delivered by D. T. Raub, Allegany, N. Y.
- April 21. East, Carr's, Marvin, West, Third and Beers brooks, Delaware Co., 20,000 brook trout. Ordered by E. D. Mayhew and S. M. Fancher, Walton, N. Y. Delivered by E. L. Marks.
- April 21. South branch, Limestone creek, Onondaga Co., 10,000 brook trout. Ordered and delivered by E. W. Woodward, Manlius, N. Y.
- April 23. Kesheque spring and Little Dansville brooks, Livingston Co., 20,000 brook trout. Ordered and delivered by W. Y. Robinson, Nunda, N. Y.
- April 26. Willow creek and Scott brook, Tompkins Co., 20,000 brook trout. Ordered by C. M. Titus, Ithaca, N. Y. Delivered by W. D. Marks.
- April 26. Factory, Cold, Haight, East Homer, Atcherson gulf, Knapp gulf, Salisbury gulf and Smith brooks, Cortland Co., 20,000 brook trout. Ordered by J. M. Coats, Homer, N. Y. Delivered by E. F. Boehm.
- April 27. Cattaraugus creek and tributaries, Cattaraugus Co., 20,000 brook trout. Ordered by J. P. Darling and J. C. Torrance, Cattaraugus P. O., N. Y. Delivered by E. L. Marks.
- April 28. Canaseraga creek and tributaries, Allegany Co., 25,000 brook trout. Ordered by H. L. Root, Whitney's Crossing, N. Y. Delivered by W. D. Marks.
- April 28. Steele's creek, Herkimer Co., 20,000 brook trout. Ordered by S. Merry, Ilion, N. Y. Delivered by E. F. Boehm.
- April 28. Cold Spring brook, Jefferson Co., 25,000 brook trout. Ordered by T. R. Proctor, Utica, N. Y. Delivered by E. F. Boehm.
- April 29. Mohawk creek, Oneida Co., 5,000 brook trout. Ordered by John Stryker, Rome, N. Y. Delivered by E. L. Marks.
- April 29. Allen creek and tributaries, Genesee Co., 15,000 brook trout. Ordered and delivered by Walter Smith, Le Roy, N. Y.
- April 30. Beaverkill and Shin creeks, Sullivan Co., 20,000 brook trout. Ordered and delivered by E. R. Sprague, Shin Creek, N. Y.
- May 3. Tributary to Lackawack creek and lake, Ulster Co., 25,000 brook trout. Ordered by E. M. Whiton, 7 Exchange Court, New York, for "Peekamose Fishing Club." Delivered by E. F. Boehm.
- May 3. Watervliet creek, Albany Co., 5,000 brook trout. Ordered by Charles W. Little, Albany, N. Y. Delivered by E. L. Marks.
- May 3. Webotuck creek and twenty tributaries, Dutchess Co., 25,000 brook trout. Ordered by S. Tripp, Millerton, N. Y. Delivered by E. L. Marks.
- May 4. Bare, Big, Woodhull, Pine, Chester and Muskrat creeks, Oneida Co., 25,000 brook trout. Ordered by O. F. Hulzer, Forestport, N. Y. Delivered by James Marks.
- May 4. Mill creek, tributary to Blue pond, Monroe Co., 10,000 brook trout. Ordered by L. M. Drury, Canandaigua, N. Y. Delivered by D. F. Emerson.
- May 10. Roosevelt creek, Long Island, 5,000 California mountain trout. Ordered by R. B. Roosevelt, New York. Delivered by E. L. Marks.

- May 10. Young's creek, Long Island, 5,000 brook trout. Ordered by Wm. J. Youngs, Oyster bay, L. I. Delivered by E. L. Marks.
- May 10. Byram river and tributary, Skunk Hollow brook and tributary to Mamaroneck river, Westchester Co., 25,000 brook trout. Ordered by J. Reynal, New York. Delivered by E. F. Boehm.
- May 12. Blue pond, Monroe Co., 5,000 land-locked salmon. Delivered by James Marks.
- May 12. For distribution in streams on Long Island, 37,000 brook trout. Ordered by E. G. Blackford, Fulton market, New York. Delivered by J. Mason.
- May 14. Tributary to Black creek, Monroe Co., 5,000 brook trout. Ordered and delivered by S. H. Day, Spencerport, N. Y.
- May 18. Hoffman creek, Monroe Co., 2,000 brook trout. Ordered and delivered by Benj. Freeman and E. H. Hurd, Rochester, N. Y.
- May 18. Allen creek tributary to Irondequoit creek, Monroe Co., 5,000 brook trout. Ordered and delivered by C. E. Upton, Rochester, N. Y.
- May 18. Mill creek, Livingston Co., 5,000 brook trout. Ordered by H. W. De Long, Dansville, N. Y. Delivered by James Marks.
- May 18. Sponable, Mill, Sugar, Bradner creeks and Southmayd run, Livingston Co., 30,000 brook trout. Ordered by J. Faulkner, Jr., Dansville, N. Y., for Dansville Sportmen's Club. Delivered by James Marks.
- May 18. East Coy creek, Wyoming Co., N. Y., 15,000 brook trout and 500 California mountain trout. Ordered and delivered by C. D. Farman, Hermitage, N. Y.
- May 26. Caledonia Spring creek, Livingston Co., 10,000 brook trout.
- May 26. Abbott's creek, Onondaga Co., 3,000 brook trout. Ordered and delivered by R. H. Abbott, Syracuse, N. Y.
- May 27. Mill creek, Monroe Co., 7,000 brook trout. Ordered and delivered by Joseph Stottle, Chili Centre, N. Y.
- May 27. Small stream and pond, Monroe Co., 2,000 California mountain trout. Delivered by C. K. Green.
- May 31. Head-waters of Hudson river and Calamity pond stream, Essex Co., 5,000 California mountain trout. Ordered by Francis H. Weeks, New York, for Adirondack Club. Delivered by C. K. Green.
- June 7. Stoney brook and Canaseraga creek, Livingston Co., 10,000 California mountain trout. Ordered by James Faulkner, Jr., Dansville, N. Y. Delivered by A. B. Toles.
- June 15. Gulf stream, tributary to Allen's creek, Genesee Co., 5,000 California mountain trout. Delivered by Martin Fitz Gerald.
- June 15. Allen's creek, Monroe Co., 304 California and Kennebec salmon, five years old. Delivered by M. Fitz Gerald and E. F. Boehm.
- June 16. Spring creek, Livingston Co., 5,000 California mountain trout. Delivered by James Marks.
- June 22. Allen creek, Monroe Co., 163 land-locked salmon, four years old. Delivered by M. Fitz Gerald and E. F. Boehm.
- June 25. Slater creek, head-waters of Canaseraga creek, Allegany Co., 15,000 California mountain trout. Ordered by Jno. Hyland, Dansville, N. Y. Delivered by A. B. Toles.

- June 25. Caledonia creek, Livingston Co., 5,000 California mountain trout.
- July 7. Caledonia creek, Livingston Co., 6,000 California mountain trout. Delivered by James Marks.
- July 7. Spring creek, Monroe Co., 5,000 California mountain trout. Delivered by James Marks.
- July 23. For Small Spring reservoir, Buffalo, N. Y., 2 salmon trout, 11 brook trout, 11 Kennebec and California salmon, 10 land-locked salmon, and 9 California mountain trout. Ordered by A. McLeish, Buffalo, N. Y. Delivered by M. A. Green.
- July 30. For aquarium, 2 brook trout, 2 California mountain trout, 2 salmon trout, 2 land-locked salmon. Ordered and delivered by H. R. Winnie, Geneva, N. Y.

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“ D.”

FISH SHIPPED FROM NEW YORK STATE HATCHERY 1880, 1881.

1880.

- November 17. Joseph A. Wolf, Rochester, N. Y., two Kennebec salmon; two land-locked salmon; two brook trout; all four years old; for aquarium.
- December 4. Mrs. H. C. Roberts, Rochester, N. Y., four brook trout; four land-locked salmon; all four years old; for aquarium.
- December 4. Wm. Streeter, Rochester, N. Y., fifteen sticklebacks for aquarium.
- December 28. A. W. Mudge, Rochester, N. Y., four land-locked salmon; five brook trout; all four years old; for aquarium.

1881.

- January 11. H. K. Winnie, Geneva, N. Y., four land-locked salmon; four brook trout; all four years old; for aquarium.
- February 15. Caledonia Spring creek, Livingston Co., 150 yearling brook trout.
- March 15. Tributary to Fly creek, Albany Co., 10,000 brook trout. Ordered and delivered by Isaac Albright, New Salem, N. Y.
- March 30. Outlet to Cedar lake, Rockland Co., 15,000 brook trout. Ordered by W. Holberton, New York. Delivered by Gordon H. Peck.
- March 30. For streams in and about Sangerfield, Oneida Co., 10,000 brook trout. Ordered and delivered by John H. Walsh, Waterville, N. Y.
- April 1. For Fulton Market Fish exhibition, one five-year-old salmon trout; one five-year-old California mountain trout; one five-year-old Kennebec salmon; one five-year-old hybrid (salmon trout and brook trout); one four-year-old hybrid (California salmon and brook trout); three two and three-year-old California mountain trout; six five and six-year-old brook trout; 150 young fry hybrids, cross between salmon trout and brook trout; sent to E. G. Blackford, Fulton market, New York city.
- April 1. Keuka lake, Yates Co., 50,000 salmon trout. Ordered by A. Wood, Hammondsport, N. Y. Delivered by J. Mason.

- April 7. Spring creeks, tributaries to Bisby lakes, Herkimer Co., 15,000 brook trout. Ordered by Hon. R. U. Sherman, New Hartford, N. Y. Delivered by J. Linkfield.
- April 8. Canandaigua lake, Ontario Co., 50,000 salmon trout. Ordered by G. A. Finley, Canandaigua, N. Y. Delivered by J. Mason.
- April 8. Keuka lake, Yates Co., 42,000 salmon trout. Ordered by Geo. S. Weaver, Albany, N. Y. Delivered by J. Mason.
- April 14. Foote, Gleason, Curtis, Sherman and Evans, Brooks, White, Harding, Kirkland, Miller, Mills, Deansville, Ely, Gridley, and Oriskany creeks, Oneida Co., 20,000 brook trout. Ordered and delivered by J. T. Watson, Clinton, N. Y.
- April 15. Geddes brook, Oneida Co., 15,000 brook trout. Ordered and delivered by James Geddes, Syracuse, N. Y.
- April 16. Spring brooks, tributaries to Genesee river; Topping, Cold and Dyke's brooks, Chumuda, Cedar, Salt-petre and Ore-bed creeks, and Long run, Allegany Co., 20,000 brook trout. Ordered and delivered by G. Eugene Farnum, Wellsville, N. Y.
- April 20. Tributaries north branch Unadilla river, Herkimer Co., 20,000 brook trout. Ordered and delivered by Fred. J. Morgan, West Winfield, N. Y.
- April 22. Sauquoit creek, Oneida Co., 15,000 brook trout. Ordered and delivered by Fred. B. Avery, Clayville, N. Y.
- April 23. For Greene Co. hatchery; fish to be distributed in waters of Greene Co., 20,000 brook trout. Ordered and delivered by John Goodwin, Palenville, N. Y.
- April 28. Tributaries to Sand lake, Rensselaer Co., 5,000 brook trout. Ordered by H. F. Averill, New York. Delivered by D. W. Clark.
- April 28. Tributaries to Owego creek, Tioga Co., 20,000 brook trout. Ordered by B. M. Stebbins, Owego, N. Y. Delivered by A. D. Ellis.
- April 29. Skaneateles outlet and branches of Spring brooks, Onondaga Co., 2,000 brook trout. Ordered by O. C. Baker, Elbridge N. Y. Delivered by J. Ingerson.
- April 29. Spring creek, Onondaga Co., 2,000 brook trout. Ordered and delivered by R. Wood, Syracuse, N. Y.
- May 3. Mill creek, Albany Co., 12,000 brook trout. Ordered by Andrew J. Whitbeck, New Scotland, N. Y. Delivered by C. K. Green.
- May 3. Suffolk club preserves, L. I., 15,000 brook trout. Ordered by J. Grafton, president Suffolk club, New York. Delivered by C. K. Green.
- May 3. For ponds at South Oyster bay, L. I., and vicinity, 16,000 brook trout. Ordered by Matthias Nicoll, New York. Delivered by E. L. Marks.
- May 3. Clark brook, Webotuck and tributaries, Dutchess Co., 20,000 brook trout. Ordered by H. H. Becker, Millerton, N. Y. Delivered by C. A. Briggs.
- May 4. Canadice outlet, Livingston Co., 5,000 brook trout. Ordered by W. H. Atkinson, Lima, N. Y.
- May 4. Five land-locked salmon, one Kennebec salmon, two salmon trout, four brook trout for small pond in Depot park, Elmira. Ordered and delivered by R. B. Cable, Elmira, N. Y.
- May 5. Tributaries to Wallkill creek, Orange Co., 15,000 brook trout. Ordered and delivered by E. B. Tears, Walden, N. Y.

- May 5. Chateaugay lake, Clinton Co., 20,000 brook trout, 6,000 salmon trout. Ordered by A. D. Boomhower, Cherubusco, N. Y. Delivered by Henry Humphrey.
- May 7. Johnson's pond, Chenango Co., 1,000 brook trout. Ordered and delivered by E. M. Johnson & Son, Afton, N. Y.
- May 11. Willewemoc and Beaverkill creeks, Orange Co., 25,000 brook trout. Ordered by J. E. Childs, Middletown, N. Y. Delivered by B. G. North.
- May 13. Mongaup creek, Sullivan Co., 20,000 brook trout. Ordered and delivered by Chas. Messiter, Liberty, N. Y.
- May 14. Steele's creek, Herkimer Co., 20,000 brook trout. Ordered by S. Merry, Ilion, N. Y.
- May 16. Caledonia Spring creek, Monroe Co., 5,000 brook trout. Ordered by T. A. Pratt, Rochester, N. Y. Delivered by James Marks.
- May 16. Matherson's run, Spaulding run and Cold Spring run, Steuben Co., 10,000 brook trout. Ordered by Ira Davenport, Bath, N. Y. Delivered by O. K. Green.
- May 18. Battenkill river, Washington Co., 15,000 brook trout. Ordered by Henry Noble, Cambridge, N. Y. Delivered by John H. Houghton.
- May 18. Factory creek, Knapp's gulf, Salisbury gulf, Smith brook, Atkinson gulf, East Homer brook, Haight's gulf and Scott brook, Cortland Co., 20,000 brook trout. Ordered by J. M. Coats, Homer, N. Y. Delivered by Geo. C. Straat.
- May 18. Otter, Stevens, Haight's gulf, Dry Atchinson gulf, Gass House, Rood, Priest and Gracey's Swamp creeks, Cortland Co., 20,000 brook trout. Ordered by B. E. Miller, Cortland, N. Y. Delivered by W. D. Cloyes.
- May 18. Schenevus and Charlotte creeks, Otsego Co., 15,000 brook trout. Ordered by Melville Griggs, Worcester, N. Y. Delivered by John Leonard.
- May 19. Esopus creek, Ulster Co., 10,000 brook trout. Ordered by W. Marsh, Big Indian, N. Y. Delivered by J. S. Smith.
- May 19. Ischua creek, Cattaraugus Co., 10,000 brook trout. Ordered and delivered by John Little, Jr., Franklinville, N. Y.
- May 19. Sawkill creek, Dutchess Co., 15,000 brook trout. Ordered by A. Lee Wagner, Rhinebeck, N. Y. Delivered by H. S. Lillie.
- May 20. Spring creek, Ontario Co., 2,000 brook trout. Ordered and delivered by W. W. Cruttenden, Phelps, N. Y.
- May 20. Flint creek, branch Canandaigua outlet, Ontario Co., 10,000 brook trout. Ordered by H. H. Schoonmaker, Seneca Castle, N. Y. Delivered by W. W. Cruttenden.
- May 20. Six-mile creek, Cascadilla creek, Scott creek and Ellis run, Tompkins Co., 20,000 brook trout. Ordered by C. M. Titus, Ithaca, N. Y. Delivered by C. Handshaw.
- May 23. Tributaries to Cherry Valley creek, Otsego Co., 5,000 brook trout, 5,000 California mountain trout. Ordered by Henry Roseboom, Roseboom, N. Y. Delivered by E. F. Boehm.
- May 24. Shaker creek, Wayne Co., 5,000 brook trout, 5,000 California mountain trout. Ordered and delivered by J. H. Hopkins, Sodus Point, N. Y.
- May 24. South Valley creek, Allegany Co., 10,000 brook trout. Ordered and delivered by Wm. Payne, Canaseraga, N. Y.

- May 27. Wiscoy creek and Ellis brook, Wyoming Co., 15,000 brook trout. Ordered and delivered by Frank Phelps, Pike, N. Y.
- May 28. Allen creek, Genesee Co., 5,000 brook trout, 5,000 California mountain trout. Ordered and delivered by W. H. Smith, Le Roy, N. Y.
- May 28. Cazenovia creek, Erie Co., 15,000 brook trout. Ordered and delivered by Wm. J. Odell, Holland, N. Y.
- May 30. Hoffman's creek, Monroe Co., 5,000 brook trout. Ordered by Dr. E. H. Hurd, Rochester, N. Y. Delivered by B. Freeman.
- May 31. Caledonia creek, Livingston Co., 25,000 brook trout; Caledonia creek, Monroe Co., 20,000 brook trout. Delivered by M. A. Green.
- June 4. Haw's creek, Monroe Co., 5,000 California mountain trout. Ordered by James A. Young, Spencerport, N. Y. Delivered by H. Todd.
- June 4. Bound brook, Monroe Co., 5,000 California mountain trout. Ordered and delivered by Henry Todd, Spencerport, N. Y.
- June 6. Hunter's creek, Erie Co., 10,000 California mountain trout. Ordered and delivered by M. B. Searls, Wales Centre, N. Y.
- June 9. Spring creek, head-waters Genesee river, Trapping, Cold and Dyke's brooks, Chumuda, Cryder and Ore Bed creeks and Long run, Allegany Co., 25,000 California mountain trout. Ordered and delivered by G. E. Farnum, Wellsville, N. Y.
- June 14. Nine-mile creek, Onondaga creek, 15,000 California mountain trout. Ordered and delivered by James Geddes, Syracuse, N. Y.
- June 14. Head-waters East Coy creek, Wyoming Co., 20,000 California mountain trout. Ordered and delivered by C. D. Farman, Hermitage, N. Y.
- June 15. Outlet to Clark's Mills pond, Gleason, Sherman, Ely and Turkey brooks, White creek and upper waters of Oriskany creek, Oneida Co., 25,000 California mountain trout. Ordered and delivered by J. T. Watson, Clinton, N. Y., for Kirkland Fish Society.
- June 15. Clyde river, Wayne Co., 15,000 California mountain trout. Ordered and delivered by W. S. Gavitt, Lyons, N. Y.
- June 15. Murder creek, Erie Co., 15,000 California mountain trout. Ordered and delivered by Dell Morgan, Akron, N. Y.
- June 15. Chaffey pond, Chemung Co., 800 California mountain trout. Ordered and delivered by C. E. Chaffey, Wellsburg, N. Y.
- June 16. Clyde river, Wayne Co., 15,000 California mountain trout. Ordered and delivered by De L. Stow, Clyde, N. Y.
- June 16. Chateaugay lake, Clinton Co., 25,000 California mountain trout. Ordered and delivered by A. D. Broomhower, Cherubusco, N. Y.
- June 20. Head-waters Clyde river and Canandaigua outlet, Wayne Co., 25,000 California mountain trout. Ordered by C. H. Perkins, Newark, N. Y. Delivered by E. F. Boehm.
- June 21. Streams at Hartford mills, Cortland Co., 1,000 California mountain trout. Ordered by Frank Sears, Cortland Co., N. Y. Delivered by W. D. Marks.
- June 21. Tioughnioga river, Cortland Co., 10,000 California mountain trout. Ordered by B. E. Miller, Cortland, N. Y. Delivered by W. D. Marks.
- June 21. Allen creek, Monroe and Genesee Co.'s, 25,000 California mountain trout. Delivered by E. F. Boehm.



- June 21. Cold, Salisbury, Knapp gulf, Haight's gulf, East Horner, Atkinson's gulf, and Smith brooks and Factory creek, Cortland Co., 20,000 California mountain trout. Ordered by J. M. Coats, Homer, N. Y. Delivered by W. D. Marks.
- June 21. Watervliet creek, Albany Co., 5,000 California mountain trout. Ordered by Chas. W. Little, Albany, N. Y. Delivered by E. F. Boehm.
- June 21. Roe creek, Orange Co., 2,000 California mountain trout. Ordered by A. B. Roe, Chester Co., N. Y. Delivered by E. F. Boehm.
- June 21. Tributaries to Wallkill creek, Orange Co., 15,000 California mountain trout. Ordered by E. B. Sears, Walden, N. Y. Delivered by E. F. Boehm.
- June 22. Lake George, Washington Co., 25,000 California mountain trout. Ordered by A. P. Cooke, Whitehall, N. Y. Delivered by W. D. Marks.
- June 23. Red creek, Wayne Co., 15,000 California mountain trout. Ordered and delivered by James Bourne, Jr., Palmyra, N. Y.
- June 24. Canadice creek, Livingston Co., 5,000 California mountain trout. Ordered and delivered by W. H. Atkinson, Lima, N. Y.
- June 24. Hoyet creek, Livingston Co., 5,000 California mountain trout. Ordered and delivered by A. L. Thomas, Avon, Livingston Co., N. Y.
- June 24. East branch, Delaware river, Delaware Co., 25,000 California mountain trout. Ordered by E. D. Mayhew, Walton, N. Y. Delivered by E. F. Boehm.
- June 24. Tributaries to Livingston lake, Saratoga Co., 15,000 California mountain trout. Ordered and delivered by Lemon Thompson, Albany, N. Y.
- June 25. Small stream and pond, 5,000 California mountain trout. Ordered and delivered by Wm. Fitzgerald, New York city.
- June 25. Keuka lake, Steuben Co., 15,000 California mountain trout. Ordered and delivered by Trevor Moore, Hammondsport, N. Y.
- June 27. Steel's creek, Herkimer Co., 15,000 California mountain trout. Ordered by S. Merry, Ilion, N. Y. Delivered by E. F. Boehm.
- June 27. Chenango river, Madison Co., 15,000 California mountain trout. Ordered by H. V. M. Dimmick, Hubbardsville, N. Y. Delivered by E. F. Boehm.
- June 27. Silver and Britton lakes, 10,000 California mountain trout; Metcalfe and Latourette creeks, 5,000 California mountain trout; Princess bay and Kreischerville creeks, 5,000 California mountain trout. Richmond Co. Ordered by Francis Endicott, Prest. Richmond Co. Game and Fish Protective Association, New York City. Delivered by C. K. Green.
- June 27. Peck's stream and pond, Ontario Co., 1,000 California mountain trout. Ordered by Prof. E. J. Peck, Oak's Corners, N. Y. Delivered by E. Peck, M. D.
- June 28. Mill brook, tributary to Black river, Pine point and East Marsh creeks, and creek between Fifth and Sixth lakes, Fulton chain, Herkimer county, 25,000 California mountain trout. Ordered by B. P. Graves, Boonville, N. Y. Delivered by John Brinkerhoff.

- June 28. Flint creek, branch Canandaigua outlet, Ontario county, 5,000 California mountain trout. Ordered and delivered by H. Schoonmaker, Seneca Castle, N. Y.
- June 28. Carpenter's brook and Skaneateles outlet, Onondaga county, 15,000 California mountain trout. Ordered by C. O. Baker, M. D., Elbridge, N. Y. Delivered by W. D. Mark.
- June 28. Mongaup and Bastaskill creeks, Orange county, 15,000 California mountain trout. Ordered and delivered by Charles St. John, Jr., Port Jervis, N. Y.
- June 28. Oakland lake, Queens county, L. I., 15,000 California mountain trout. Ordered by E. P. Egan, Flushing, L. I. Delivered by J. Mason.
- June 28. Battenkill river, Washington county, 15,000 California mountain trout. Ordered by Henry Noble, Cambridge, N. Y. Delivered by W. D. Marks.
- June 28. Spring creek, Delaware county, 15,000 California mountain trout. Ordered and delivered by W. C. McNally, Hancock, N. Y.
- June 29. Clark's brook, Webotuck creek and tributaries, Dutchess county, 20,000 California mountain trout. Ordered by H. H. Becker, Millerton, N. Y. Delivered by E. F. Boehm.
- June 29. Spring creek, Dutchess county, 5,000 California mountain trout. Ordered by P. A. M. Van Wyck, New Hamburg, N. Y. Delivered by E. F. Boehm.
- June 30. Beaverkill and Shin creeks, Sullivan county, 15,000 California mountain trout. Ordered by Edwin R. Sprague, Shin Creek, N. Y. Delivered by J. Mason.
- June 30. Shin creek, Sullivan county, 15,000 California mountain trout. Ordered by James Murdock, Shin Creek, N. Y. Delivered by J. Mason.
- July 1. Salmon river, Oswego county, 20,000 California mountain trout. Ordered by John H. Cross, Pulaski, N. Y. Delivered by W. D. Marks.
- July 1. Stoney creek and Sacandaga river, Hamilton county, 15,000 California mountain trout. Ordered and delivered by B. N. Lobdell, Northville, N. Y.
- July 4. Beaverkill creek, Sullivan county, 15,000 California mountain trout. Ordered by M. R. Dodge, Windfield Flats, N. Y. Delivered by George Cochran.
- July 4. Allen creek, Monroe county, east side Genesee river, 10,000 California mountain trout. Ordered by Charles E. Upton, City Bank, Rochester, N. Y. Delivered by Seth Green.
- July 4. Irondequoit creek, Monroe county, 20,000 California mountain trout. Ordered and delivered by Seth Green, Rochester, N. Y.
- July 5. Otsego lake, Otsego county, 30,000 California mountain trout. Ordered by E. Phinney, Cooperstown, N. Y. Delivered by J. Mason and Seth Green.
- July 5. Mill creek, Monroe county, 7,000 California mountain trout. Ordered and delivered by Joseph Stottle, Chili Centre, N. Y.
- July 5. Cold Spring brook, Monroe county, 7,000 California mountain trout. Ordered and delivered by Wm. P. Hill, Chili Centre, N. Y.
- July 5. Allen creek, Monroe county, west side Genesee river, 60,000 California mountain trout. Delivered by E. F. Boehm.



- July 6. Niagara river, Niagara county, 20,000 California mountain trout. Ordered by George W. Halley, Niagara Falls, N. Y. Delivered by C. K. Green.
- July 6. Caneada creek, Allegany county, 20,000 California mountain trout. Ordered by Litchard Bros., East Bushford, N. Y. Delivered by E. F. Boehm.
- July 7. Canisteo river and tributaries, Steuben county, 30,000 California mountain trout. Ordered by J. W. Robinson, Hornellsville, N. Y. Delivered by W. D. Marks.
- July 7. Owego creek, Tioga county, 30,000 California mountain trout. Ordered by B. M. Stebbins, Owego, N. Y. Delivered by E. F. Boehm.
- July 7. Owego Valley creek, Cortland county, 20,000 California mountain trout. Ordered and delivered by Frank Sears, Harford Mills, N. Y.
- July 8. Allen creek, Monroe county, 20,000 California mountain trout. Delivered by James Marks and E. F. Boehm.
- July 8. Tributaries to Cayuga Lake inlet, Six-Mile Fall, Cascadilla and Lucifer Falls creeks, Tompkins county, 30,000 California mountain trout. Ordered by Levi Kenney, Ithaca, N. Y. Delivered by W. D. Marks.
- July 8. Tributaries to North branch of Unadilla river, Herkimer county, 15,000 California mountain trout. Ordered by Fred J. Morgan, West Winfield, N. Y. Delivered by S. S. Morgan.
- July 8. Morgan creek, Herkimer county, 2,000 California mountain trout. Ordered and delivered by S. S. Morgan, West Winfield, N. Y.
- July 8. One hundred two-year-old California mountain trout, 4,000 California mountain trout fry. Ordered by B. L. Hewit, Hollidaysburg, Pa., for Pennsylvania Fish Commission. Delivered by Seth Weeks, Corry, Pa.
- July 11. Harper's creek, Monroe county, 10,000 California mountain trout. Delivered by M. A. Green.
- July 11. Keuka lake and tributaries, Steuben county, 10,000 California mountain trout. Delivered by Seth Green.
- July 12. Salmon river and tributaries, Oswego county, 30,000 California mountain trout. Ordered by Charles H. Cross, Pulaski, N. Y. Delivered by E. F. Boehm.
- July 12. Wells' pond, Fulton county, 10,000 California mountain trout. Ordered by D. A. Wells, Johnstown, N. Y. Delivered by E. F. Boehm.
- July 22. Cohocton river, at Blood's, Steuben county, 8,000 California mountain trout. Ordered and delivered by Seth Green, Rochester, N. Y.

"E."

MATURE FISH SHIPPED FROM WESTERN WIDE WATERS, AT ROCHESTER, N. Y.

1880.

- March 15. Garbuttville pond, Monroe county, 675 bull-heads. Ordered by James H. Kelly, Garbuttville, N. Y. Delivered by J. Mason.

- March 15. Schuyler lake, Otsego county, 96 black bass, 32 Oswego bass. Ordered by James S. Davenport, Richfield Springs, N. Y. Delivered by B. W. Scott.
- March 15. Partlow lake, St. Lawrence county, 16 Oswego bass. Sucker lake, St. Lawrence county, 32 black bass. Ordered by Warren Glasby, Fine, N. Y. Delivered by J. Mason.
- March 18. Tributary to Susquehanna river, Orange county, 119 black bass. Ordered by O. Plock, Guymard, N. Y. Delivered by J. Mason.
- March 22. Carlyle lake and Hudson lake, 85 black bass. Payne's pond, Otsego county, 17 Oswego bass. Ordered by H. H. Smith, Worcester, N. Y. Delivered by J. Mason.
- March 22. Unadilla river and Whorton creek, Otsego and Chenango counties, 64 black bass and 32 Oswego bass. Ordered by N. S. Beardslee, Warsaw, N. Y. Delivered by B. Scott.
- March 29. Bull-head pond, Herkimer county, 16 Oswego bass, and 30 perch. Ordered and delivered by J. E. S. Wilkinson, Wilmurt, N. Y.
- March 29. Oriskany creek, Oneida county, 48 black bass. Ordered by H. H. Miller, Clinton, N. Y. Delivered by E. F. Boehm.
- March 30. Wallkill river, Orange county, 80 black bass. Ordered by W. H. Wood, State Hill, N. Y. Delivered by B. Scott.
- March 31. For waters in Orange county, 51 black bass, 17 Oswego bass. Ordered by D. S. Waring, Newburgh, N. Y. Delivered by E. F. Boehm.
- April 1. Murdock pond, Sullivan county, 90 black bass. Ordered by James Murdock, Shin creek, N. Y. Delivered by E. R. Slater.
- April 2. Burger pond, Albany county, 30 Oswego bass, 35 yellow perch. Ordered and delivered by Cyrus Ecker, Chesterville, N. Y.
- April 2. Lee's pond, Monroe county, 200 bull-heads. Ordered and delivered by Charles Lee, Greece, N. Y.
- April 3. Ice pond, Monroe county, 300 bull-heads, 100 Oswego bass. Ordered and delivered by John Footh, Rochester, N. Y.
- April 5. Boyd and Long ponds, St. Lawrence county, 34 black bass, 34 Oswego bass, 35 perch. Ordered by Chester Rose, Russell, N. Y. Delivered by E. F. Boehm.
- April 6. Tonawanda creek, Wyoming county, 200 perch, 100 rock bass. Ordered by F. D. Pryor and J. H. Karcher, Attica, N. Y. Delivered by J. Mason.
- April 6. Chili pond, Monroe county, 300 bull-heads. Ordered and delivered by Richard Hubbard, Chili, N. Y.
- April 8. Cayuga creek, Erie county, 85 black bass. Ordered by J. F. Hitchcock, Lancaster, N. Y. Delivered by J. Mason.
- April 9. White's pond, Albany county, 17 black bass. Ordered by Wm. White, Albany, N. Y. Delivered by J. Mason.
- April 9. Oakwood Cemetery ponds, Albany county, 70 Oswego bass. Ordered by John Boitcher, Troy, N. Y. Delivered by J. Mason.
- April 9. Willow pond, Monroe county, 250 black bass. Ordered and delivered by George Chapman, East Brighton, N. Y.
- April 9. Genesee river, Monroe county, 600 Oswego bass, 150 bull-heads, 150 perch, 150 pike, 150 rock bass. Delivered by J. Mason.

## " F."

CARP DISTRIBUTED IN NEW YORK STATE BY E. G. BLACKFORD.  
1879.

November 3.	E. B. Sutton, Babylon, L. I., N. Y., 80 carp.
November 3.	A. S. Edic, Utica, N. Y., 15 carp.
November 4.	G. M. Betts, Mattituck, L. I., N. Y., 15 carp.
November 4.	G. L. Conklin, Mattituck, L. I., N. Y., 15 carp.
November 5.	J. W. Fowler, Theilo, N. Y., 20 carp.
November 8.	The New York Hospital, New York city, 20 carp.
November 9.	J. C. Donaldson, Mt. Upton, N. Y., 20 carp.
November 9.	A. W. Benson, Brooklyn, N. Y., 20 carp.
November 11.	C. N. Butler, Sparkell, N. Y., 20 carp.
November 11.	F. Meissner, Richmond, N. Y., 20 carp.
November 3.	W. H. Bryant, Hempstead, L. I., N. Y., 20 carp.
November 3.	W. H. Sanford, New York city, five carp.
November 3.	S. K. Satterlee, Rye, N. Y., 40 carp.
November 3.	C. F. Erhard, Woodside, L. I., N. Y., 20 carp.
November 3.	David Acker, Brooklyn, N. Y., 20 carp.
November 3.	L. W. Parker, Parker House, New York city, 30 carp.
November 3.	Edward Thompson, St. Johnland, L. I., N. Y., 25 carp.
November 9.	L. W. Bristol, Lockport, N. Y., 20 carp.
November 9.	D. P. Ayres, Lebanon Lake, N. Y., 20 carp.
November 12.	D. R. Prindle, Batavia, N. Y., 15 carp.
November 12.	O. D. Burtis, Lyosset, L. I., N. Y., 20 carp.
November 13.	Fred. White, West Brighton, N. Y., 20 carp.
November 13.	E. P. Grant, New York city, two carp.
November 15.	John E. Wells, Johnstown, N. Y., 20 carp.
November 15.	N. French, North Pitcher, N. Y., 20 carp.
November 15.	C. S. Paine, Royalton, N. Y., 15 carp.
November 15.	Thomas W. Jones, Utica, N. Y., 20 carp.
November 15.	J. W. Gildersleeve, Mattituck, L. I., N. Y., 20 carp.
November 15.	Thomas A. Hallock, Mattituck, L. I., N. Y., 20 carp.
November 15.	F. C. Havemeyer, Westchester, N. Y., 20 carp.
November 15.	W. Schoonmaker, New York city, 20 carp.
November 16.	E. F. Weeks, Glen Cove, L. I., N. Y., 20 carp.
November 17.	W. B. Guernsey, Norwich, N. Y., 20 carp.
November 17.	J. Otis Fellows, Hornellsville, N. Y., 20 carp.
November 17.	Dr. H. D. Grindell, Spring Valley, N. Y., 20 carp.
November 17.	Harris Bogert, New York city, 20 carp.
November 18.	P. S. Hoe, Tarrytown, N. Y., 20 carp.
November 19.	W. A. Clare, 172 Williams street, New York city, 20 carp.
November 22.	W. H. Scheiffleinn, Williams street, New York city, 60 carp.
November 23.	A. S. Edic, Utica, N. Y., 20 carp.
November 23.	E. W. Woodward, Manlius, N. Y., 20 carp.
November 24.	Henry Tew, New Berlin, N. Y., 20 carp.
November 24.	John Y. Culyer, Supt. of Prospect Park, Brooklyn, N. Y., 50 carp.

- November 26. Miram Vaughn, Worcester, N. Y., 20 carp.  
 November 29. Mr. Lampman, Pomona, N. Y., 20 carp.  
 December 3. Gilbert Bennett & Co., New York city, 20 carp.  
 December 4. Judge Alec. McCue, Babylon, L. I., N. Y., 20 carp.  
 December 4. J. H. Fowler, Mt. Ivy, N. Y., 20 carp.  
 December 6. E. W. Woodward, Manlius, N. Y., 10 carp.  
 December 6. B. G. Foster, Oneida, N. Y., 20 carp.  
 December 10. George E. Ward, New York city, 20 carp.  
 December 14. Mrs. Molton, Roslyn, L. I., N. Y., 20 carp.  
 December 14. A. B. Crossman, East New York, L. I., N. Y., 20 carp.  
 December 17. Frank Endicott, Clifton, Staten Island, N. Y., 60 carp.  
 December 18. William Flake, Clifton, Staten Island, N. Y., 20 carp.  
 December 20. Edward Waldron, Bellona, Yates county, N. Y., 20 carp.  
 December 21. David Acker, Brooklyn, L. I., N. Y., 20 carp.  
 December 22. Charles A. Canarlo, Gifford, Staten Island, N. Y., 20 carp.  
 December 23. P. Rust, Liddleburgh, Schoharie county, N. Y., 20 carp.  
 December 23. Charles Kunath, Rossville, Staten Island, N. Y., 20 carp.  
 December 23. Robert Van Allen, Jamaica, L. I., N. Y., 20 carp.  
 December 23. E. S. White, Hempstead, L. I., N. Y., 20 carp.  
 December 23. George W. Suydam, Cypress Hills, L. I., N. Y., 20 carp.  
 December 23. John O'Donnell, Jamaica, L. I., N. Y., 20 carp.  
 December 24. John E. Wells, Johnstown, N. Y., 20 carp.  
 December 28. W. T. Shaw, Howell's station, Erie railroad, N. Y., 20 carp.  
 December 28. S. S. Mapes, Howell's station, Erie railroad, N. Y., 20 carp.  
 December 28. Jacob Ruppert, Lloyd's Neck, L. I., N. Y., 20 carp.  
 December 28. Stehlan & Co., Lloyd's Neck, L. I., N. Y., 20 carp.  
 December 29. R. E. Steele, Woodside, L. I., N. Y., 20 carp.  
 December 30. E. Brown, Woodside, L. I., N. Y., 20 carp.

## 1881.

- January 3. Dr. C. L. Hill, Onativia, N. Y., 20 carp.  
 January 4. E. Remington & Sons, Ilion, N. Y., 20 carp.  
 January 6. Eli Beard, Suffern, N. Y., 20 carp.  
 January 7. John G. Burrow, Fishkill, Dutchess county, N. Y., 20 carp.  
 January 7. James R. Sutton, Islip, L. I., N. Y., 20 carp.  
 January 8. Mr. Grapauche, Yonkers, N. Y., 20 carp.  
 January 10. Amos Ketcham, Otisville, Orange county, N. Y., 20 carp.  
 January 10. John L. Ketcham, Otisville, Orange county, N. Y., 20 carp.  
 January 12. The New York State Hatchery, Caledonia, N. Y., 50 carp.

- January 13. George T. Coyne, Richmond, Staten Island, N. Y., 20 carp.
- January 17. Philip Weidlinger, 27 Beekman street, New York, three carp.
- January 25. Henry Munn, Jr., Scientific American, New York city, 20 carp.
- January 25. A. W. Roberts, 100 Union avenue, Brooklyn, N. Y., 20 carp.
- January 29. S. H. Tuthill, Greenport, L. I., N. Y., 20 carp.
- February 8. E. B. Tears, Walden, Orange county, N. Y., 20 carp.
- February 15. H. D. McGovern, Brooklyn, L. I., N. Y., 40 carp.
- February 18. Thomas Clappham, Roslyn, L. I., N. Y., 20 carp.
- February 26. H. Gebhardt, New York city, six carp.
- February 28. Mrs. C. A. Bigelow, South Stockton, N. Y., 20 carp.
- February 28. L. W. Ledyard, Cazenovia, N. Y., 20 carp.
- March 5. C. Saxce, Portchester, N. Y., six carp.
- March 14. Thomas E. Gill, Gifford, Staten Island, N. Y., 10 carp.
- March 18. R. W. Hopkins, Princess bay, Staten Island, N. Y., 10 carp.
- March 24. Prichard & Knall, New York city, eight carp.
- April 4. E. R. Wilbur, Sayville, L. I., N. Y., 20 carp.
- November 14. Peter S. Hoe, Tarrytown, N. Y., 20 carp.
- November 15. R. Hoe, Jr., Katonah, N. Y., 20 carp.
- November 15. John Mapledoram, Monticello, N. Y., 20 carp.
- November 16. William Sherwood, Harrison, Westchester county, N. Y., 20 carp.
- November 19. Blackford Fish Company, Montauk Point, L. I., N. Y., 20 carp.
- November 23. W. C. Little, Albany, N. Y., 20 carp.
- November 23. S. H. Wales, department of public parks, New York city, 25 carp.
- November 23. W. A. Clark, 172 William street, New York city, 20 carp.
- November 23. C. H. Delmater, foot West Thirteenth street, New York city, 20 carp.
- November 25. Wm. Merritt, Spark Hill, Rockland county, N. Y., 20 carp.
- November 25. John W. Pearson, Lockport, N. Y., 20 carp.
- November 25. Samuel Travers, Sands Point, L. I., N. Y., 20 carp.
- November 26. C. F. Hagan, Buffalo, N. Y., 20 carp.
- December 1. H. W. Houston, Warwick, Orange county, N. Y., 20 carp.
- December 2. James Reeve, Mattituck, L. I., N. Y., 20 carp.
- December 2. Mayor Grace, New York city, 40 carp.
- December 3. J. Reynall, New York city, 25 carp.
- December 5. John Peck, Fonda, N. Y., 20 carp.
- December 5. P. A. M. Van Wyck, New Hamburg, N. Y., 20 carp.
- December 6. H. Mead, Katonah, N. Y., 20 carp.
- December 7. H. N. Squire, Newtown, L. I., N. Y., 40 carp.
- December 7. D. B. Safford, White Plains, N. Y., 20 carp.
- December 7. J. A. Roosevelt, Poughkeepsie, N. Y., 20 carp.
- December 7. Charles E. Felks, Locust Valley, N. Y., 20 carp.
- December 9. H. T. McCoun, Glenhead, L. I., N. Y., 20 carp.

- December 10. Samuel Whitney, Katonah, N. Y., 20 carp.  
 December 13. J. S. Walker, Ellenville, Ulster county, N. Y., 20 carp.  
 December 13. C. Cole, New Dorp, N. Y., six carp.  
 December 14. J. Van Schaick, Huntington, L. I., N. Y., 20 carp.  
 December 15. B. S. Mesick, Hudson, N. Y., 20 carp.  
 December 16. M. A. Goodwin, Hudson, N. Y., 20 carp.  
 December 16. J. A. Morris, Westchester, N. Y., 20 carp.  
 December 17. G. C. Warner, Jamesport, L. I., N. Y., 20 carp.  
 December 21. Lester H. Davis, Medford station, L. I., N. Y., 20 carp.  
 December 24. J. Albertson, Glenhead, L. I., N. Y., 20 carp.  
 1882.  
 January 10. Terry & Sweezy, Patchogue, L. I., N. Y., 20 carp.  
 January 14. John Peck, Gloversville, N. Y., 20 carp.  
 December 23. Wm. B. Girard, Cold Spring, L. I., N. Y., 40 carp.

DISTRIBUTION OF LEATHER CARP FROM NEW YORK STATE HATCH-  
 ERY, CALEDONIA, N. Y.

1880.

- May 12. T. W. Jones, Whitesboro, N. Y., 11 carp.  
 May 13. T. V. Smith, Sharon Springs, N. Y., 12 carp.  
 May 13. John Melvin, Shortsville, N. Y., 11 carp.  
 May 13. Edward Cole, Conesus, N. Y., 11 carp.  
 May 14. Wm. McWilliam, Buffalo, N. Y., 13 carp.  
 May 17. M. O. Barker, Nunda, N. Y., 12 carp.  
 May 18. C. L. Van Dusen, Geneva, N. Y., 12 carp.  
 May 19. Wm. E. Sill, Sodus Point, N. Y., 10 carp.  
 May 19. Daniel Read, Hamilton, N. Y., 11 carp.  
 May 22. Wm. E. Stebbins, Ithaca, N. Y., 11 carp.  
 May 22. Dr. M. B. Jarvis, Canastota, N. Y., 11 carp.  
 May 24. D. R. Prindle, East Bethany, N. Y., 11 carp.  
 May 24. D. Van Nostrand, Watertown, N. Y., 11 carp.  
 May 25. J. T. Welton, Schenevus, N. Y., 11 carp.  
 May 26. Kirkland Fish Society, Clinton, Oneida county, N. Y., 11 carp.  
 June 23. H. R. Corson & Son, Markham, Ont., 10 carp.  
 July 2. J. E. R. Patton, Hornellsville, N. Y., 10 carp.  
 July 27. James Van Brunt, 72 South street, New York, 10 carp.  
 August 6. C. D. Northrup, Woodhull, N. Y., 10 carp.

## "G."

**FRESH-WATER SHRIMP SHIPPED FROM NEW YORK STATE HATCHERY,  
CALEDONIA, N. Y., FOR THE PURPOSE OF STOCKING WATERS WITH  
FISH FOOD.**

1880.

January	21.	W. H. Sanford, Hauppauge, L. I., 20,000 shrimp.
January	21.	G. Morse, Jr., New Haven, Conn., 20,000 shrimp.
January	21.	James E. West, Haverstraw, N. Y., 20,000 shrimp.
January	21.	W. C. Little & Co., Albany, N. Y., 20,000 shrimp.
January	28.	R. L. Wolcott, Hawthorne, N. J., 20,000 shrimp.
January	28.	G. Merry, Verona, N. Y., 20,000 shrimp.
January	28.	R. Penn Smith, New Brighton, L. I., 20,000 shrimp.
January	28.	C. Church, Fulton, N. Y., 20,000 shrimp.
January	28.	James Sloan, Hoosick Falls, N. Y., 20,000 shrimp.
January	28.	Henry Stoney, Peekskill, N. Y., 20,000 shrimp.
February	12.	Sylvester Tripp, Millerton, N. Y., 20,000 shrimp.
February	12.	J. Hamilton, South Glens Falls, N. Y., 20,000 shrimp.
February	12.	Earl Barney, Schenectady, N. Y., 20,000 shrimp.
February	12.	O. Plock, Greynard, N. Y., 20,000 shrimp.
February	12.	C. P. Williams, Albany, N. Y., 60,000 shrimp.
February	12.	P. Van Orden, Catskill, N. Y., 60,000 shrimp.
February	12.	Abram S. Hewitt, New York city, 10,000 shrimp.
February	16.	T. L. Walsh, New York city, 20,000 shrimp.
February	17.	H. D. Brewster, Bay Shore, N. Y., 20,000 shrimp.
February	17.	J. R. Hays, Walden, N. Y., 20,000 shrimp.
March	2.	James H. Pierson, Southampton, L. I., 20,000 shrimp.
March	2.	J. H. Irwin, Norton, Pa., 20,000 shrimp.
March	22.	R. U. Sherman, New Hartford, N. Y., 20,000 shrimp.
March	29.	J. E. S. Wilkinson, Wilmurt, N. Y., 20,000 shrimp.
April	8.	William Grounds, Albany, N. Y., 20,000 shrimp.
April	12.	E. D. Whitcomb, Eagle Bridge, N. Y., 20,000 shrimp.
April	12.	O. Watson, Williamsport, Pa., 20,000 shrimp.
April	14.	H. F. Averill, New York city, 20,000 shrimp.

1881.

March	29.	S. G. Worth, Morgantown, N. C., shipment shrimp 20,000.
March	29.	Earl Barney, Schenectady, N. Y., 20,000 shrimp.
March	29.	O. S. Bond, Toledo, Ohio, 20,000 shrimp.
March	29.	A. H. Houston, Warwick, N. Y., 20,000 shrimp.
March	29.	Samuel Whitney, Katonah, N. Y., 20,000 shrimp.
April	12.	Harrison Fuller, Adams Centre, N. Y., 20,000 shrimp.
April	12.	Samuel Whitney, Katonah, N. Y., 20,000 shrimp.



" H. "

**LIST OF SPECIMENS FURNISHED BY THE NEW YORK COMMISSION TO THE BOSTON EXHIBITION.****LIST OF ARTICLES SENT BY THE NEW YORK STATE FISH COMMISSION TO THE BERLIN (PRUSSIA) EXHIBITION, TO BE HELD APRIL 20, 1880.**

- Brook-trout spawn 20 days old.
- Brook-trout spawn 30 days old.
- Brook-trout spawn 40 days old.
- Brook-trout spawn 50 days old.
- Brook-trout spawn 60 days old.
- Brook-trout spawn 70 days old.
- Brook-trout spawn 80 days old.
- Brook-trout spawn 85 days old.
- Salmon-trout spawn 85 days old.
- California-trout spawn two days old.
- Salmon-trout fry one day old.
- Salmon-trout fry 15 days old.
- Salmon-trout fry 30 days old.
- Salmon-trout fry 35 days old.
- Brook-trout fry one day old.
- Brook-trout fry 10 days old.
- Brook-trout fry 20 days old.
- Brook-trout fry 30 days old.
- Brook-trout fry 40 days old.
- Deformed salmon-trout fry six days old.
- Lizards, crawfish, shrimp, and Miller's thumb and stickle backs from Caledonia Spring creek.
- One hybrid cross between California salmon and brook trout three years old.
- One hybrid cross between salmon trout and brook trout two years old.
- One Kennebec salmon three years old.
- One California mountain trout two years old.
- One small model of Holton hatching box.
- One full-sized Holton hatching box.
- One small model of Seth Green's shad-hatching-box.
- One full-sized Seth Green's shad-hatching box.
- One spawn-carrying box.
- One tin tube for changing water on fish during transportation.
- One rubber siphon for drawing water through tin tube during transportation.
- One scoop net for handling young fish and eggs.
- One pair nippers for removing dead spawn.
- One wire tray for hatching salmon-trout spawn.
- Shipped March 1, 1880, to Prof. S. F. Baird, Smithsonian Institute, Washington, D. C.



## "I."

ACCOUNT OF SHAD HATCHING AT CATSKILL, N. Y., BACK OF ROGERS' ISLAND, ON HUDSON RIVER — TEMPERATURE OF WATER TAKEN AT 5 O'CLOCK, A. M., AND 5 O'CLOCK, P. M., EACH DAY.

1880.

- May 18. Caught 120 shad, 17 ripe, 280,000 spawn ; water 58 and 60.  
 19. Caught 20 shad, three ripe, 48,000 spawn ; water 59 and 62.  
 20. Caught 80 shad, eight ripe, 112,000 spawn ; water 62 and 63.  
 21. Caught 115 shad, 18 ripe, 234,000 spawn ; water 63 and 65.  
 22. Caught 120 shad, nine ripe, 135,000 spawn ; water 63 and 66.  
 23. Did not fish ; water 64 and 68. Turned loose 238,400 shad fry.  
 24. Caught 150 shad, 18 ripe, 235,000 spawn ; water 67 and 70. Turned loose 404,000 shad fry.  
 25. Caught 150 shad, 19 ripe, 240,000 spawn ; water 68 and 71. Turned loose 294,000 shad fry.  
 26. Caught 75 shad, 10 ripe, 166,000 spawn ; water 70 and 72.  
 27. Caught 50 shad, 10 ripe, 152,000 spawn ; water 72 and 74. Turned loose 102,000 shad fry.  
 28. Caught 30 shad, eight ripe, 120,000 spawn ; water 70 and 71. Turned loose 199,800 shad fry.  
 29. Did not fish ; water 70 and 72. Turned loose 204,000 shad fry.  
 30. Did not fish ; tide wrong ; water 68 and 69. Turned loose 140,000 shad fry.  
 31. Caught 100 shad, 24 ripe, 372,000 spawn ; water 68 and 68. Turned loose 129,000 shad fry.
- June 1. Caught 25 shad, three ripe, 50,000 spawn ; water 65 and 66. Turned loose 102,000 shad fry.  
 2. Caught 80 shad, 16 ripe, 252,000 spawn ; water 64 and 65.  
 3. Caught 50 shad, nine ripe, 145,000 spawn ; water 62 and 66.  
 4. Caught 60 shad, 16 ripe, 243,000 spawn ; water 62 and 64.  
 5. Caught 20 shad, eight ripe, 132,000 spawn ; water 62 and 64.  
 6. Did not fish ; water 63 and 66. Turned loose 43,000 shad fry.  
 7. Caught 30 shad, three ripe, 45,000 spawn ; water 63 and 65. Turned loose 214,200 shad fry.  
 8. Caught 15 shad, nine ripe, 148,000 spawn ; water 65 and 68. Turned loose 123,300 shad fry.  
 9. Caught 25 shad, 10 ripe, 138,000 spawn ; water 65 and 66. Turned loose 206,500 shad fry.  
 10. Caught 30 shad, eight ripe, 120,000 spawn ; water 66 and 70. Turned loose 112,200 shad fry.  
 11. Stopped fishing on account of Governor's veto of appropriation. Turned loose 38,000 shad fry.  
 12. Turned loose 125,000 shad fry.  
 13. Turned loose 219,300 shad fry.

Total number shad caught.....	1,345
Total number ripe females.....	244
Total number spawn taken .....	3,367,000
Total number fish hatched .....	3,210,900

Operations conducted by Jonathan Mason and E. L. Marks, under directions of Seth Green, Superintendent.

ACCOUNT OF SHAD HATCHING ON HUDSON RIVER TEN MILES BELOW ALBANY, N. Y.—TEMPERATURE OF WATER TAKEN AT 7 A. M. AND 5 P. M. EACH DAY.

1880.

- May 14. Blowing hard from north ; tide wrong ; did not fish.  
 15. Blowing hard from north ; tide wrong ; did not fish.  
 16. Blowing hard from north ; tide wrong ; did not fish.  
 17. Caught 10 shad, one ripe, 15,000 spawn ; water 62 and 64.  
 18. Caught eight shad, none ripe. Blowing hard from north-west ; water 62 and 62.  
 19. Blowing hard from south ; did not fish ; water 62 and 64.  
 20. Caught 13 shad, none ripe ; water 63 and 70.  
 21. Caught 12 shad, two ripe, 33,000 spawn ; water 67 and 72.  
 22. Caught 17 shad, three ripe, 50,000 spawn ; water 67 and 70.  
 23. Caught 12 shad, none ripe. Turned loose 14,000 shad fry ; water 69 and 73.  
 24. Caught 24 shad, five ripe, 75,000 spawn ; water 73 and 76. Turned loose 30,000 shad fry.  
 25. Caught 25 shad, eight ripe, 112,000 spawn ; water 74 and 78. Turned loose 46,000 shad fry.  
 26. Caught 19 shad, four ripe, 60,000 spawn ; water 76 and 79.  
 27. Caught 14 shad, two ripe, 30,000 spawn ; water 78 and 80. Turned loose 70,000 shad fry.  
 28. Caught 16 shad, two ripe, 30,000 shad ; water 79 and 78. Turned loose 90,000 shad fry.  
 29. Caught five shad, one ripe, 15,000 spawn ; water 78 and 78. Turned loose 50,000 shad fry.  
 30. Caught six shad, none ripe ; water 74 and 78 Turned loose 26,000 shad fry.  
 31. Did not fish ; water 72 and 72. Turned loose 25,000 shad fry.
- June 1. Did not fish ; tide wrong ; water 70 and 68. Turned loose 13,000 shad fry.  
 2. Caught 18 shad, none ripe. Freshet in river ; water 67 and 70.  
 3. Caught 25 shad, five ripe, 75,000 spawn ; water 67 and 70.  
 4. Caught 43 shad, six ripe, 90,000 spawn ; water 66 and 70.  
 5. Caught 20 shad, five ripe, 75,000 spawn ; water 67 and 69.  
 6. Caught 23 shad, two ripe, 32,000 spawn ; water 67 and 69.  
 7. Caught 55 shad, eight ripe, 110,000 spawn ; water 69 and 72.  
 8. Caught 16 shad, three ripe, 50,000 spawn ; water 70 and 74. Turned loose 158,000 shad fry.

- June 9. Caught 11 shad, none ripe. Turned loose 95,000 shad fry.  
 10. Did not fish ; water 72 and 73. Turned loose 100,000 shad fry.  
 11. Stopped fishing on account of Governor's veto of appropriation. Turned loose 45,000 shad fry ; water 72 and 75.

Total number shad caught.....	402
Total number ripe females.....	57
Total number spawn taken .....	852,000
Total number fish hatched.....	762,000

Operation conducted by M. A. Green, under direction of Seth Green, Superintendent.

“J.”

#### EXTRACTS FROM JOURNAL OF NEW YORK STATE HATCHERY.

1880.

- April 1. Received from J. B. Campbell, Baird post-office, Shasta county, California, 6,078 McCloud river trout spawn. Arrived in good condition.
- May 10. Received from Martin Metcalf, Battle Creek, Michigan, 111 Grayling spawn. All dead on arrival.
10. Received from J. B. Campbell, Baird post-office, Shasta county, California, package of April run of McCloud river trout spawn. All dead on arrival ; weather too warm when sent — eggs decomposed.
8. Received from Prof. S. F. Baird, United States Fish Commissioner, Washington, D. C., 230 leather carp for distribution in New York State. Delivered by J. F. Ellis.
- Sept. 1. George McKay, of Caledonia, N. Y., Newtown pond, at the head of Caledonia Spring creek. The pond contained poisonous matter, and killed a large number of brook trout, Miller's thumbs, crawfish and insects in the creek. At New York State Hatchery killed 50 large brook trout, 80 salmon trout, Kennebec and land-locked salmon, and about 10 each of California mountain trout and McCloud river trout.

1881.

- Jan. 13. Received from E. G. Blackford, New York, 50 leather carp, three roach, and three golden tench.

#### APPLICATIONS FOR CALIFORNIA TROUT SPAWN.

*List of States, Territories and Foreign Countries from which Applications have come for California Mountain-Trout Spawn.*

Massachusetts, Pennsylvania, Connecticut, New Jersey, Rhode Island, Missouri, Indiana, Michigan, Minnesota, Vermont, New York, Iowa, Illinois, Ohio, Georgia, Virginia, Canada, Kentucky, Dakota Territory, Wisconsin, Kansas, Texas, New Mexico, Mississippi, Louisiana, New Hampshire, Maine, Nebraska, North Carolina, Ontario, California, Quebec, Oregon, Nova Scotia, Wyoming Territory, Utah, and Long Island. Total number applications, 241.

“ K. ”

NUMBER SHAD HATCHED EACH YEAR.

1870	.....	2,604,000
1871	.....	8,295,000
1872	.....	7,498,000
1873	.....	5,041,000
1874	.....	5,020,000
1875	.....	4,580,000
1876	.....	1,850,000
1877	.....	3,584,000
1878	.....	4,705,000
1879	.....	6,459,400
1880	.....	3,972,900

NUMBER SALMON TROUT DISTRIBUTED EACH YEAR.

1870	.....	280,000
1871	Salmon trout and white fish .....	84,200
1872	do .....	304,000
1873	do .....	909,150
1874	do .....	1,121,800
1875	do .....	1,540,525
1876	do .....	1,399,000
1877	do .....	1,847,200
1878	do .....	657,600
1879	do .....	1,263,600
1880	do .....	148,000

NUMBER WHITE FISH DISTRIBUTED EACH YEAR.

1870	.....	1,000,000
1871	White fish and salmon trout .....	84,200
1872	do .....	64,000
1873	do .....	173,000
1875	do .....	21,000
1876	do .....	58,000
1877	do .....	980,000
1878	do .....	100,000

“ L. ”

NUMBER BROOK TROUT DISTRIBUTED EACH YEAR.

1874	.....	7,500
1875	.....	2,500
1876-77	.....	1,034,000
1877-78	.....	1,143,500
1878-79	.....	1,368,000
1879-80	.....	1,157,200
1880-81	.....	663,000

## " M. "

NUMBER BASS DISTRIBUTED EACH YEAR—BLACK, OSWEGO, ROCK  
AND STRAWBERRY.

1871 .....	8,396
1872 .....	7,472
1873 .....	5,496
1874 .....	1,839
1875 .....	2,015
1876 .....	806
1877 .....	323
1878 .....	1,418
1879 .....	2,719
1880 .....	2,265

## " N. "

## NUMBER YELLOW PIKE DISTRIBUTED EACH YEAR.

1871 .....	1,017
1872 .....	240
1873 .....	446
1874 .....	291
1875 .....	388
1876 .....	25
1877 .....	130
1878 .....	170
1879 .....	25
1880 .....	150

## " O. "

## NUMBER BULL-HEADS DISTRIBUTED EACH YEAR.

1871 .....	500
1872 .....	2,000
1875 .....	50
1876 .....	150
1877 .....	1,100
1879 .....	355
1880 .....	1,595

“ P. ”

NUMBER YELLOW PERCH DISTRIBUTED EACH YEAR.

1871 .....	125
1872 .....	350
1873 .....	225
1874 .....	46
1875 .....	290
1876 .....	275
1879 .....	530
1880 .....	450

“ Q. ”

NUMBER EELS DISTRIBUTED EACH YEAR.

1873 .....	50,000
1874 .....	38,000
1877 .....	5,000

“ R. ”

NUMBER CALIFORNIA SALMON DISTRIBUTED EACH YEAR.

1874 .....	273,000
1875 .....	319,010
1878-79 .....	86,000

“ S. ”

NUMBER KENNEBEC SALMON DISTRIBUTED EACH YEAR.

1876 .....	2,000
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NUMBER LAND-LOCKED SALMON DISTRIBUTED EACH YEAR.

1879 .....	18,000
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“ T. ”

NUMBER STURGEON HATCHED EACH YEAR.

1875 .....	155,000
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“ U. ”

NUMBER CALIFORNIA MOUNTAIN TROUT DISTRIBUTED EACH YEAR.

1879 .....	34,900
1880 .....	68,800
1881 .....	1,184,800

## “ V. ”

## NUMBER FROST FISH HATCHED EACH YEAR.

1879 .....	900,000
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## “ W. ”

## NUMBER CARP DISTRIBUTED EACH YEAR.

1879 .....	390
1880 .....	220

## NUMBER FRESH-WATER SHRIMP DISTRIBUTED EACH YEAR.

1880 .....	640,000
1881 .....	140,000

## “ X. ”

PAY-ROLL FOR MARCH OF THE REGULAR EMPLOYEES NEW YORK  
FISH COMMISSION.

Seth Green.....	\$250 00
M. A. Green .....	100 00
Jonathan Mason. ....	100 00
W. D. Marks, \$2 per day.....	62 00
C. K. Green, \$2 per day .....	62 00
James Marks, \$2 per day .....	62 00
E. F. Boehm, \$2 per day.....	62 00
David Day, \$1.50 per day.....	46 50
E. L. Marks, \$1.50 per day.....	46 50

*Cost of Housekeeping at Caledonia.*

Cost of housekeeping each month at New York State Hatchery, from June, 1881, to January 1, 1882, is as follows :

Total expense for June .....	\$26 00
do July .....	21 75
do August .....	35 45
do September .....	27 95
do October .....	36 85
do November .....	37 35
do December.....	27 41

*Cost of Fish Food and Express Charges Paid each Month for 1881.*

January,	2,963 pounds fish food.....	\$70 53
	Express on same .....	12 95
February,	2,066 pounds of fish food .....	48 44
	Express on same .....	9 60
March,	3,323 pounds fish food.....	81 12
	Express on same .....	11 85
April,	2,591 pounds fish food .....	65 35
	Express on same .....	14 40
May,	2,881 pounds fish food .....	70 18
	Express on same .....	11 10
June,	3,527 pounds fish food .....	84 77
	Express on same .....	13 71
July,	4,198 pounds fish food. ....	114 21
	Express on same .....	12 85
August,	4,578 pounds fish food. ....	115 77
	Express on same .....	18 65
September,	3,895 pounds fish food .....	102 86
	Express on same .....	22 30
October,	4,093 pounds fish food .....	104 28
	Express on same .....	13 35
November,	3,688 pounds fish food .....	96 58
	Express on same .....	9 30
December,	2,991 pounds fish food.....	79 06
	Express on same .....	8 10
		<hr/> <hr/>
Total number pounds fish food .....		39,990
Total cost fish food.....		\$1,033 15
Total express on fish food.....		158 15
		<hr/> <hr/>

*Cost of New Ponds.*

Total cost building nineteen new ponds, extra help, lumber, hardware, etc.....	\$799 81
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*Cost of Shad Hatching.*

Total cost shad hatching per year on Hudson river.....	\$1,000 00
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*Amount Expended for Cold Spring Hatchery previous to January 1, 1882.*

Amount expended on Long Island Hatchery .....	\$175 43
<hr/> <hr/>	

*Cost of Procuring Salmon-Trout Spawn in Canada.*

Expense of procuring salmon-trout spawn 1881.....	\$124 06
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*Appropriation Remaining March 1, 1882.*

Amount appropriation remaining after February account paid.....	\$5,436 05
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### PERCENTAGE OF TROUT EGGS THAT HATCH.

**Percentage of trout eggs that hatch..... 95 per ct.**

*Loss of Fry before Period of Distribution.*

Loss of young fry till proper age for distribution estimated at less than .....	5 per ct.
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**“Z.”**

## DISTRIBUTION OF FISH FROM FULTON MARKET.

*Extract from a Paper Entitled "General Statistics," by Barrett Phillips, read at the Tenth Annual Meeting of the American Fish Culturists' Association.*

If I were to tell you that I believe, from something like an actual count, errors excepted, that last year 49,442,900 pounds of fresh fish, of all kinds, were received in New York, worth \$3,339,827, and that these represented 55,373,862 individual fish — halibut of 150 pounds, or smelt eight going to the pound, being all counted. Let us hope that by fish culture our children may see these numbers very greatly increased, not only by the introduction of new fishes, which stupid prejudice now turns away from, but by the actual propagation of more fish.

SALES OF FISH IN FULTON MARKET.

	March 1, 1878, to March 1, 1879.	March 1, 1879, to March 1, 1880.	Increase.	Decrease.
Flounders . . . . .	1,544,842	1,795,980	251,147	.....
Halibut . . . . .	3,327,790	3,549,121	221,331	.....
Codfish . . . . .	8,636,479	8,719,574	82,095	.....
Pollock . . . . .	222,908	315,879	92,971	.....
Haddock . . . . .	1,857,790	1,812,820	.....	43,970
Frostfish . . . . .	53,792	77,871	24,079	.....
Blackfish . . . . .	188,981	199,530	10,549	.....
Spanish Mackerel. . . . .	275,163	310,970	35,807	.....
Weakfish . . . . .	510,022	801,017	290,995	.....
Kingfish . . . . .	38,090	38,447	357	.....
Sheepshead . . . . .	82,474	67,325	.....	15,149
Porgies . . . . .	2,198,780	2,388,863	190,083	.....
Sea Bass . . . . .	446,695	255,688	.....	191,007
Striped Bass . . . . .	716,642	678,423	.....	38,219
Bluefish . . . . .	3,843,983	3,570,543	.....	273,440
Smelts . . . . .	1,560,541	1,589,268	28,727	.....
Salmon . . . . .	436,623	394,220	.....	42,403
Herring . . . . .	942,145	1,052,891	110,746	.....
Eels . . . . .	1,202,414	1,292,917	90,503	.....
Sturgeon . . . . .	70,633	68,858	.....	1,775
Black Bass . . . . .	79,850	85,011	5,161	.....
Pickrel . . . . .	508,131	744,566	136,435	.....
Yellow Pike . . . . .	173,367	129,251	.....	44,116
Siscoes . . . . .	629,661	624,438	.....	5,223
Whitefish . . . . .	741,943	693,085	.....	48,857
Brook Trout . . . . .	6,522	8,139	1,617	.....
Salmon Trout . . . . .	84,262	96,160	11,898	.....
Catfish . . . . .	98,562	52,847	.....	45,715
Small fresh water . . . . .	506,719	446,411	.....	60,308
Green Turtle. . . . .	6,103	8,189	2,086	.....
Lobster . . . . .	1,625,655	1,737,224	111,569	.....
Salt water fish . . . . .	912,199	670,131	.....	242,068
INCREASE, 1879-80.	33,529,960	34,276,666	..... 646,700	.....
Mackerel . . . . .	COUNT. 2,317,763	FISH. 3,827,324	1,509,561	GALS. 10,006
Shad . . . . .	661,594	953,439	291,845	
Scallops . . . . .	46,451	36,445	.....	

## SALES OF FISH IN NEW YORK 1880.

*Total Sales of Fish (fresh) in the City of New York, as compiled by E. G. Blackford for the United States Census Bureau, for the year 1880.*

Flounders .....	2,000,000	pounds.
Cod .....	9,250,000	"
Haddock .....	2,374,300	"
Black fish .....	210,000	"
Spanish mackerel .....	390,000	"
King fish .....	42,000	"
Porpies .....	2,500,000	"
Striped bass .....	1,254,000	"
Smelts .....	2,100,000	"
Shad .....	1,333,000	counts.
Eels .....	1,500,000	pounds.
Black bass .....	92,000	"
Halibut .....	3,650,000	"
Polluck .....	700,000	"
Frost fish .....	100,000	"
Mackerel .....	5,000,000	counts.
Weak fish .....	1,300,000	pounds.
Sheepshead .....	72,000	"
Sea bass .....	315,000	"
Blue fish .....	5,000,000	"
Salmon .....	432,600	"
Herring .....	6,300,000	counts.
Sturgeon .....	2,750,000	pounds.
Pickrel .....	800,000	"
Yellow pike .....	145,000	"
White fish .....	725,000	"
Salmon trout .....	115,000	"
Mixed small salt-water fish .....	150,000	"
Mixed small fresh-water fish .....	600,000	"
Terrapin .....	6,750	counts.
Green turtle .....	163,000	pounds.
Lobsters .....	2,000,000	"
Scallops .....	55,000	gallons.
Skate or ray fish .....	7,000	pounds.
Bonito .....	75,000	"
Buffalo fish .....	25,500	"
Garfish .....	1,000	"
Crawfish .....	75,000	counts.
Mullets .....	30,000	pounds.
White and yellow perch .....	315,000	"
Red snappins .....	62,500	"
Suckers .....	2,000	"
Sisco .....	700,000	"
Brook trout .....	13,150	"
Catfish .....	70,000	"
Water fish .....	150,000	"
Water fish .....	600,000	"

Butter fish .....	80,000 pounds.
Lafayette fish .....	10,000 “
Frogs .....	14,936 “
Pompano.....	2,500 “
Turbot from Newfoundland .....	6,000 “
Sword fish .....	2,500 “

### FISH COMMISSIONERS OF NORTH AMERICA.

*(Furnished by Mr. F. Mather, of Forest and Stream.)*

We herewith present to the Fish Commissioners of North America a list, revised and corrected to September 21. This list has been obtained by correspondence, and is correct. It will be found to contain some new names, as well as new commissions. We take this labor upon ourselves annually, that the Commissioners may be able to exchange reports and other information with certainty.

### OFFICIAL LIST OF FISH COMMISSIONERS.

(The expirations of the terms of office are indicated by the dates in parenthesis. Where no date is given the term is indefinite.)

CANADA — W. F. Whitcher, Ottawa, Ontario.

NEW BRUNSWICK — W. H. Venning, Inspector of Fisheries, St. John.

NOVA SCOTIA — W. H. Rogers, Inspector of Fisheries, Amherst.

PRINCE EDWARD ISLAND — J. H. Duvar, Inspector of Fisheries, Alberton.

BRITISH COLUMBIA — Alexander C. Anderson, Inspector of Fisheries, Victoria.

THE UNITED STATES — Prof. Spencer F. Baird, Washington, D. C.

ALABAMA — C. S. G. Doster, Prattville; D. B. Huntley, Courtland.

ARIZONA — John J. Gosper, Prescott (1884); Richard Rule, Tombstone (1884); Dr. J. H. Taggart, Yuma (1884).

ARKANSAS — N. B. Pearce, Osage Mills; James Hornibrook, Little Rock; John E. Reardon, Little Rock.

CALIFORNIA — S. R. Throckmorton, San Francisco (1883); B. B. Redding, San Francisco (1883); J. D. Farwell, Niles, Alameda county (1883).

COLORADO — W. E. Sisty, Brookvale (1883).

CONNECTICUT — Dr. W. M. Hudson, Hartford (1886); Robert G. Pike, Middletown (1886); G. N. Woodruff, Sherman (1884).

GEORGIA — J. T. Henderson, Commissioner of Agriculture and *ex-officio* Commissioner of Fisheries, Atlanta (1882); Dr. H. H. Carey, Superintendent of Fisheries, La Grange (1882).

ILLINOIS — N. K. Fairbank, President, Chicago (1882); S. P. Bartlett, Quincy (1884); S. P. McDoel, Aurora (1884).

INDIANA — Calvin Fletcher, Spencer, Owen county (September 20, 1883).

IOWA — B. F. Shaw, Anamosa (1882); A. A. Mosher, assistant for north-west portion, Spirit Lake (1882).

KANSAS — D. B. Long, Ellsworth (March, 1883).

- KENTUCKY** — William Griffith, President, Louisville; Dr. S. W. Coombs, Secretary, Bowling Green; P. H. Darby, Princeton; John B. Walker, Madisonville; Hon. C. J. Walton, Munfordville; Hon. J. A. Steele, Versailles; W. C. Price, Danville; Dr. W. Van Antwerp, Mt. Sterling; Hon. J. M. Chambers, Independence, Kenton county; A. H. Goble, Catlettsburg.
- MAINE** — Henry O. Stanley, Dixfield (1883); E. M. Stilwell, Assistant Commissioner, Bangor (1883).
- MARYLAND** — T. B. Ferguson (of Baltimore), Massachusetts avenue, Washington, D. C. (1882); Thomas Hughlett, Easton (April, 1882).
- MASSACHUSETTS** — Theodore Lyman, Brookline (1881); E. A. Brackett, Winchester (1884); Asa French, South Braintree (1881).
- MICHIGAN** — Eli R. Miller, Richland (1883); A. J. Kellogg, Detroit (1885); Dr. J. C. Parker, Grand Rapids (1887).
- MINNESOTA** — First district, Daniel Cameron, La Crescent (1883); Second district, William W. Sweney, M. D., Red Wing (1883); Third district, Robert Ormsby Sweeny, President, St. Paul (1883).
- MISSOURI** — Hon. Silas Woodson, St. Joseph (1882); John Reid, Lexington (1882); J. G. W. Steedman, 2803 Pine street, St. Louis (1882).
- NEBRASKA** — W. L. May, Fremont; R. R. Livingston, Plattsmouth.
- NEVADA** — H. G. Parker, Carson City (1882).
- NEW HAMPSHIRE** — Albina H. Powers, Plymouth (1886); Luther Hayes, Milton (1886); Dr. Edward Spaulding, Nashua (1886).
- NEW JERSEY** — Dr. B. P. Howell, Woodbury, Gloucester county (1883); Major E. G. Anderson, Trenton (1883); Theo. Morford, Newton, Sussex county (1883).
- NEW YORK** — Hon. R. Barnwell Roosevelt, 76 Chambers street, New York; Edward M. Smith, Rochester; Richard U. Sherman, New Hartford, Oneida county; Eugene G. Blackford (Fulton market, New York city), 809 Bedford avenue, Brooklyn.
- NORTH CAROLINA** — S. G. Worth, Morgantown. (Mr. Worth is acting as commissioner and superintendent, there being no special fish commissioner recognized in the State. The department is under the general supervision of the Commissioner of Agriculture, Hon. Montford McGehee, Raleigh.)
- OHIO** — L. A. Harris, Cincinnati (1884); C. W. Bond, Toledo (1884); H. C. Post, Sandusky (1884).
- PENNSYLVANIA** — Hon. H. J. Reeder, Easton, Northampton county (1881); Hon. Benjamin L. Hewit, Hollidaysburg, Blair county (1881); James Duffy, Marietta, Lancaster county (1881); John Hummel, Selingsgrove, Snyder county (1881); Robert Dalzell, Pittsburgh, Allegheny county (1881); G. M. Miller, Wilkesbarre, Luzerne county (1881).
- RHODE ISLAND** — Newton Dexter, Providence (1883); John H. Barden, Rockland (1883); Alfred A. Reed, Jr., Providence (1883).
- SOUTH CAROLINA** — A. P. Butler, Commissioner of Agriculture and *ex-officio* Commissioner of Fisheries, Columbia.
- TENNESSEE** — W. W. McDowell, Memphis (1883); George F. Akers, Nashville (1883); H. H. Sneed, Chattanooga (1883).
- TEXAS** — R. R. Robertson, Austin.
- UTAH** — Prof. J. L. Barfoot, Curator Deseret Museum, Salt Lake City.

VERMONT — Dr. M. Goldsmith, Rutland (1881); Charles Barrett, Grafton (1882).

VIRGINIA — Col. M. McDonald, Berryville (1882).

WEST VIRGINIA — H. B. Miller, Wheeling (1885); C. S. White, Romney (1885); N. M. Lowry, Hinton (1885).

WISCONSIN — The Governor, *ex-officio*, Madison (1882); Philo Dunning, President, Madison (1885); C. L. Valentine, Secretary and Treasurer, Janesville (1887); J. V. Jones, Oshkosh (1886); John F. Antisdel, Milwaukee (1885); Mark Douglas, Melrose (1887); C. Hutchinson, Beetown (1886).

WYOMING TERRITORY — Henry B. Rumsey, Red Buttes, Albany county (term unknown). Deputies — Dr. M. C. Barckwell, Cheyenne (term unknown); Otto Gramm, Laramie (term unknown).





# STATE OF NEW YORK.

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No. 90.

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## IN ASSEMBLY,

APRIL 25, 1882.

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE

The Speaker and the Clerk, with the consent of the House, referred the following bills to the sub-committee of the whole:

No. 212, G. O. 172 — Mr. Morrison:

An act to enable the religious society in the city of New York known as "St. Michael's Protestant Episcopal Church" to acquire and hold lands for cemetery purposes.

No. 293, G. O. 257 — Mr. Alvord:

An act to authorize the trial of a system of mechanically operating iron gates on an Erie canal lock with the view of lengthening the chambers thereof, and thus increasing the tonnage of boats using said canal.

No. 323, G. O. 286 — Mr. M. J. Costello:

An act to restrict the formation of corporations under an act entitled "An act to provide for the incorporation of benevolent, charitable, scientific and missionary societies," being chapter 319 of the Laws of 1848, and the acts amendatory thereof, and to legalize the incorporation of certain societies organized thereunder, and to regulate the same.

No. 392, G. O. 356 — Mr. M. J. Costello:

An act in relation to abandonment proceedings before police justices of the city of New York.

No. 466, G. O. 428 — Mr. Chapin:

An act in relation to the streets of the city of Brooklyn.

No. 533, G. O. 481 — Mr. Clapp:

An act to provide for the improvement of the north branch of the Saranac river, in the counties of Clinton and Franklin, and to make an appropriation therefor.

No. 546, G. O. 502 — Mr. Maher:

An act to amend chapter 175 of the Laws of 1870, entitled "An act regulating the sale of intoxicating liquors," passed April 11, 1870.

# STATE OF NEW YORK.

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No. 91.

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## IN ASSEMBLY,

APRIL 26, 1882.

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### REPORT

#### OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 107, printed No. 145, entitled "An act to protect the patrons of butter and cheese factories," reported in favor of the passage of the same, with amendments as follows:

Section one, line nine, strike out the word "strippings;" line eleven, change word "or" first appearing to "nor;" line twelve, change word "or" to "nor."

Said bill was ordered reported by the following vote:

#### *For the Affirmative.*

Browne,	Van Dusen,	McCarren,	
McClelland,	Scott,	Noyes,	
Sweet,	Welch,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 430 $\frac{1}{2}$ , printed No. 467, entitled "An act to amend an act entitled 'An act to amend an act entitled An act to establish a free school in district number five, town of Oyster Bay, Queens county,' passed April 15, 1857, passed April 17, 1868," reported in favor of the passage of the same, with amendments, as follows:

Section one, line nine, strike out the words "seven-tenths of one per cent," and insert "the sum of sixty-five per cent upon the hundred dollars in value;" also to amend the title so that it will read, An act to amend chapter two hundred and thirty-six of the Laws of eighteen hundred and sixty-nine, entitled "An act to establish a free school in district number five, town of Oyster Bay, Queens county."

Said bill was ordered reported by the following vote:

#### *For the Affirmative.*

Cock,	McCarren,	Ross,	
Van Dusen,	Benedict,	Noyes,	
Scott,	Erwin,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 222, printed No. 257, entitled "An act to establish an additional public park in the city of New York, and for the security of public health therein," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	McCarren,	
Sweet,	Welsh,	Noyes,	
Van Dusen,	Morrison,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 465, printed No. 524, entitled "An act to authorize an additional constable in the town of Deerpark, county of Orange, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Cock,	Scott,	Erwin,	
Van Dusen,	McCarren,	Ross,	
M. R. Jones,	Benedict,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 284, printed No. 321, entitled "An act to exempt the county of Warren from the provisions of chapter 114 of the Laws of 1880, entitled 'An act to exempt certain towns of this State from the provisions of chapter 431 of the Laws of 1875, entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof,' " reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Cock,	Scott,	Erwin,	
Van Dusen,	McCarren,	Ross,	
M. R. Jones,	Benedict,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 367, printed No. 408, entitled "An act to amend an act entitled 'An act to vest in the board of supervisors certain legislative powers and to prescribe their fees for certain services,' passed April 3, 1849, "reported in favor of the passage of the same, with amendments, as follows:

Section one, line four, strike out the words "passed April eighteen, eighteen hundred and forty-nine," also amend the title by striking out the first words "An act," and insert "Chapter one hundred and ninety-four of the Laws of eighteen hundred and forty-nine," and by striking out the words "passed April third, eighteen hundred and forty-nine."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
McClelland,  
Sweet,  
Van Dusen

Scott,  
Welch,  
Morrison,

McCarren,  
Noyes,  
Page.

10

Mr. Browne, from the sub-committee of the whole, to which was referred Assembly bill, G. O. 99, printed No. 140, entitled "An act to further amend section 15 of chapter 260 of the Laws of 1838, entitled "An act to authorize the business of banking," reported in favor of the passage of the same, with an amendment, as follows:

To amend the title by striking out in the first line the word "further," and also the words "section fifteen of."

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
McClelland,  
Van Dusen,

M. R. Jones,  
Scott,  
Morrison,

McCarren,  
Noyes,  
Page.

9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 447, printed No. 508, entitled "An act to amend section 34 of chapter 470 of the Laws of 1847 entitled "An act in relation to the judiciary," passed May 12, 1847, reported in favor of the passage of the same, with amendments, as follows :

Section one, lines three and four, strike out the words "passed May twelve, eighteen hundred and forty seven," also amend the title by striking out the words "passed May twelve, eighteen hundred and forty seven."

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
McClelland,  
Van Dusen,

M. R. Jones,  
Scott,  
Morrison,

McCarren,  
Noyes,  
Page.

9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 451, printed No. 511, entitled "An act for the construction of an iron bridge over the Mohawk basin at Arch street, in the village of Green Island, in the county of Albany," reported in favor of the passage of the same, with amendments, as follows :

Strike out section three, and insert in lieu thereof, as follows: "The sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund for the construction of said bridge, payable on the warrant of the comptroller ; provided, however, that the sum hereby appropriated shall cover all costs for land damages and bridge approaches, and that the proper authorities of the village of Green Island and the town of Watervliet shall covenant and agree to maintain said bridge."

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, Sweet, Van Dusen,	Scott, Welch, Morrison,	McCarren, Noyes, Page.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 403, printed No. 441, entitled "An act to regulate the purchase of securities by corporations," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Van Dusen,	M. R. Jones, Scott, Morrison,	McCarren, Noyes, Page.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 441, printed No. 502, entitled "An act for the improvement of the Racket river," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Cock, Van Dusen,	M. R. Jones, Scott, Morrison, McCarren,	Erwin, Ross, Noyes, Page.	12
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 285, printed No. 322, entitled "An act to amend chapter 464 of the Laws of 1881, entitled 'An act to amend chapter 373 of the Laws of 1876, entitled 'An act to provide for the formation of road districts in certain cases within the corporate jurisdiction of plank and turnpike-road companies, and for the maintenance and improvement of roads therein,' and to amend said original act," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Cock, Van Dusen, M. R. Jones,	Scott, Benedict, Erwin,	Ross, Noyes, Page.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 175, Printed No. 216, entitled "An act authorizing the State board of Audit to rehear and determine claim of David T. Mink, late harbor-master, for removing obstructions in the Albany basin," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Cock,  
Van Dusen,  
M. R. Jones,  
Scott,

McCarren,  
Benedict,  
Erwin,

Ross,  
Noyes,  
Page.

10

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 388, printed No. 427, entitled "An act to repeal an act entitled 'An act to authorize the elections of town auditors in the several towns of the county of Westchester, and to prescribe their powers and duties,'" passed March 17, 1874, being chapter 70 of the Laws of 1874," reported in favor of the passage of the same, with amendments, as follows:

Section one, line two, strike out the words "passed March 17, 1874"; also amend the title so that it will read: "An act to repeal chapter 70 of the Laws of 1874, entitled 'An act to authorize the election of town auditors in the several towns of the county of Westchester, and to prescribe their powers and duties.'"

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
McClelland,  
Van Dusen,

M. R. Jones,  
Scott,  
Morrison,

McCarren,  
Noyes,  
Page.

9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 181, printed No. 221, entitled "An act to amend section 1745 of the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

*For the Affirmative.*

Browne,  
McClelland,  
Van Dusen,

M. R. Jones,  
Scott,  
Morrison,

McCarren,  
Noyes,  
Page.

9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 424, Printed No. 462, entitled "An act to exempt the county of Westchester from the provisions and operation of chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,'" reported in favor of the passage of the same, with an amendment, as follows:

By striking out in line five of section one, the words "passed April 29, 1875."

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
McClelland,  
Van Dusen,

M. R. Jones,  
Scott,  
Morrison,

McCarren,  
Noyes,  
Page.

9



Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 347, Printed No. 387, entitled "An act to authorize the Mountain View Cemetery Association in the town of Windsor, in the county of Broome, to assume the charge and care of the cemetery at Randolph Centre in said town, to improve the same, and to take and acquire adjoining lands by gift, grant or otherwise for the benefit of said cemetery," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	M. R. Jones,	McCarren,	
McClelland,	Scott,	Noyes,	
Van Dusen,	Morrison,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 312, Printed No. 350, entitled "An act entitled 'An act extending the time for Marilla M. Sharpe to file her claim for damages with the canal appraisers,'" reported in favor of the passage of the same, with an amendment to the title by striking out the words "entitled 'An act extending,'" and insert 'to extend.'

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Van Dusen,	McCarren,	
McClelland,	Scott,	Noyes,	
Sweet,	Morrison,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 445, Printed No. 506, entitled "An act to legalize the acts of Linn L. Boyce as notary public," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	M. R. Jones,	McCarren,
McClelland,	Scott,	Noyes,
Van Dusen,	Morrison,	Page.

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 241, printed No. 280, entitled "An act to amend chapter 77 of the Laws of 1860, entitled "An act for the relief of the Corporation for the Relief of Widows and Children of Clergymen of the Protestant Episcopal Church in the State of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	M. R. Jones,	McCarren,	
McClelland,	Scott,	Noyes,	
Van Dusen,	Morrison,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 408, printed No. 449, entitled "An act in relation to the use of books belonging to the sixth judicial district library, by the justices of the supreme court of such district, and the expenses of transporting the same," reported in favor of the passage of the same without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Cock,	McCarren,	Ross,	
Van Dusen,	Benedict,	Noyes,	
M. R. Jones,	Erwin,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, printed No. 493, entitled "An act to change the name of the village of Cary to Oakfield," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Cock,	McCarren,	Ross,	
Van Dusen,	Benedict,	Noyes,	
M. R. Jones,	Erwin,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 427, printed No. 465, entitled "An act to amend chapter 459 of the Laws of 1877, entitled 'An act in relation to the salaries, fees, percentages and allowances of the officers of the city of Brooklyn,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote.

*For the Affirmative.*

Browne,	M. R. Jones,	McCarren,	
McClelland,	Scott,	Noyes,	
Van Dusen,	Morrison,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 470, printed No. 526, entitled "An act to provide a system of sewerage for the village of Little Falls, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Cock,	McCarren,	Ross,	
Van Dusen,	Benedict,	Noyes,	
M. R. Jones,	Erwin,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 446, printed No. 507, entitled "An act authorizing individuals, companies, associations and private corporations to construct and operate private railroads in certain cases, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Cook,	McCarren,	Ross,	
Van Dusen,	Benedict,	Noyes,	
Scott,	Erwin,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 169, printed No. 209, entitled "An act to amend certain provisions of the Revised Statutes relating to receivers and assignees in insolvency, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Cock,	McCarren,	Ross,	
Van Dusen,	Benedict,	Noyes,	
Scott,	Erwin,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 179, printed No. 219, entitled "An act to provide for voting by ballot at town meetings on propositions to raise money by tax", reported in favor of the passage of the same, with amendments as follows:

Strike out all of section two after the word written in line five, and insert "or printed each item of the proposed appropriation and the amount proposed to be raised therefor, and in counting such ballots they shall be counted as in favor of those items which are not erased by marking across the face thereof, and as against those items which are erased by marking across the face thereof."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Cock,	McCarren,	Ross,	
Van Dusen,	Benedict,	Noyes,	
M. T. Jones,	Erwin,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 421, printed No. 459, entitled "An act to repeal chapter 473 of the Laws of 1879, entitled "An act to authorize the common council of the city of Brooklyn to appoint an assistant keeper of the city hall," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*Cock,  
Van Dusen,  
Scott,McCarran,  
Benedict,  
Erwin,Ross,  
Noyes,  
Page.

9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 230, printed No. 269, entitled "An act in relation to the Griffin Creek Feeder, in the town of Ouba and county of Allegany," reported in favor of the passage of the same without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*Browne,  
Sweet,  
Van Dusen,Scott,  
Welch,  
Morrison,McCarren,  
Noyes,  
Page.

9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 474, printed No. 529, entitled "An act to authorize the Hillside Cemetery Association, in the town of Georgetown, Madison county, to control the lands used for burial purposes in the village of Georgetown, and to make assessments to maintain the same," reported in favor of the passage of the same without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*Browne,  
Sweet,  
Van Dusen,Scott,  
Welch,  
Morrison.McCarren,  
Noyes,  
Page.

9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 461, printed No. 521, entitled "An act to enable the board of education of the city of Brooklyn to sell certain lands," reported in favor of the passage of the same without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*Browne,  
Sweet,  
Van Dusen,Scott,  
Welch,  
Morrison,McCarren,  
Noyes,  
Page.

9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 172, printed No. 212, entitled "An act to enable the religious society in the city of New York, known as "Saint Michael's Protestant Episcopal Church" to acquire and hold lands for cemetery purposes," reported in favor of the passage of the same, with amendments as follows:

Strike out section two and insert in lieu thereof as follows: "The

said corporation shall pay to the town of Newton, to be used for such township purposes as may be determined by the proper authorities of said town having the disposition of the revenues thereof, such sum as the Board of Health of said town shall annually determine, but not exceeding the sum of fifty cents for each interment made in any land within said town of Newton, acquired by virtue of this act;" change section "two" to section "three."

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	M. R. Jones,	McCarren,	
McClelland,	Scott,	Noyes,	
Van Dusen,	Morrison,	Page.	9

Mr. Browne, from the sub-committee of the whole; to which was referred the Assembly bill, G. O. 328, printed No. 364, entitled "An act to amend chapter 447 of the Laws of 1870, entitled 'An act in relation to the assessors of the city of Albany,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Morrison,	Ross,	
M. R. Jones,	McCarren,	Noyes,	
Scott,	Erwin,	Page.	10
Welch,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 467, printed No. 525, entitled "An act to amend an act entitled 'An act relative to janitors in district courts in the city of New York, passed May 28, 1880,'" reported in favor of the passage of the same with amendments as follows:

To add at the beginning of section one, as follows: Section one of chapter three hundred and ninety-two of the Laws of eighteen hundred and eighty, entitled 'An act relative to janitors in the district courts in the city of New York, is hereby amended so as to read as follows:

also amend the title so that it will read, An act to amend chapter three hundred and ninety-two of the Laws of eighteen hundred and eighty, entitled An act relative to janitors in district courts in the city of New York.'"

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Morrison,	Ross,	
M. R. Jones,	McCarren,	Noyes,	
Scott,	Erwin,	Page.	10
Welch,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 341, printed No. 69, entitled "An act

to amend chapter 291 of the Laws of 1870, entitled "An act for the incorporation of villages," reported in favor of the passage of the same, with an amendment.

Section one, line five, of page two, engrossed bill, before the word "police justice," insert "salaried."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Cock,	McCarren,	Ross,	
Van Dusen,	Benedict,	Noyes,	
Scott,	Erwin,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 348, printed No. 103, entitled "An act to amend chapter 56 of the Laws of 1874, entitled 'An act to amend chapter 107 of the Laws of 1852, entitled 'An act to incorporate the Cayuga Asylum for Destitute Children,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Cock,	McCarren,	Ross,	
Van Dusen,	Benedict,	Noyes,	
M. R. Jones,	Erwin,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 206, Int., No. 17, entitled "An act to amend chapter 492 of the Laws of 1874, entitled 'An act to incorporate the Home for Friendless in Northern New York,'" reported in favor of the passage of the same without amendment.

Said bill was ordered reported by the following vote :

Browne,	M. R. Jones,	Ross,	
McOlelland,	Scott,	Noyes,	
Cock,	Morrison,	Page.	11
Van Dusen,	McCarren,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 495, printed No. 71, entitled "An act Relating to the People's Ferry Company," reported in favor of the passage of the same with amendments as follows :

Section two, line seven engrossed bill, strike out the words "no higher," and insert "the"; line eight strike out the word, "charged," and insert "twenty per cent less."

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	McCarren,	
Sweet,	Welch,	Noyes,	
Van Dusen,	Morrison,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 469, printed No. 110, entitled "An act to exempt the county of Cattaraugus from the provisions of chapter 10 of the laws of 1875, entitled 'An act creating a board of town assessors for the several towns of this State and to prescribe their duties, and also the acts amendatory thereof,'" reported in favor of the passage of the same, without amendment.  
 was ordered reported by the following vote :

Scott,	McCarren,	
Welch,	Noyes,	
Morrison,	Page,	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 374, printed No. 52, entitled "An act to amend the Buffalo Orphan Asylum to hold real and personal property," reported in favor of the passage of the same, without amendment.  
 was ordered reported by the following vote:

*For the Affirmative.*

Scott,	McCarren,	
Welch,	Noyes,	
Morrison.	Page,	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 473, printed No. 59, entitled "An act to amend the laws relating to the sale and use of opium," reported in favor of the passage of the same, without amendment.  
 was ordered reported by the following vote:

*For the Affirmative.*

Scott,	McCarren,	
Welch,	Noyes,	
Morrison,	Page,	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 468, Int. No. 74, entitled "An act to amend the laws relating to the election of a board of town auditors in the town of New-  
 York county, and prescribing its powers and duties," reported in favor of the passage of the same, without amendment.  
 was ordered reported by the following vote:

*For the Affirmative.*

Scott,	McCarren,	
Welch,	Noyes,	
Morrison,	Page,	9



# STATE OF NEW YORK.

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No. 92.

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## IN ASSEMBLY,

APRIL 27, 1882.

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and Clerk, with the consent of the House, refer the following bills to the Sub-Committee of the Whole.

No. 195, G. O. 154 — Mr. Raines:

An act to amend chapter two hundred and eighty-seven of the laws of eighteen hundred and seven-nine, entitled "An act to provide for the formation of county and town co-operative insurance companies," as amended by chapter three hundred and ninety-seven of the laws of eighteen hundred and eighty.

No. 196, G. O. 155 — Mr. Raines:

An act to amend chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the formation of county and town co-operative insurance companies."

No. 281, G. O. 242 — Mr. Farrar:

An act relating to the interest of a husband in the real estate of his wife on her decease.

No. 342, G. O. 303 — Mr. Farrar:

An act allowing parties holding mortgages on other liens on lands to pay the taxes thereon, and also to redeem such lands from tax-sales, and to collect the sums paid, with interest.

No. 573, G. O. 508 — Mr. Derrick:

An act to provide for greater safety for persons attending theaters and places of amusement.

No. 576, G. O. 511 — Mr. Fenner:

An act relative to the organization of the medical department of universities.

No. 577, G. O. 512 — Mr. Catlin:

An act to protect the people against the circulation of false or fraudulent statements designed to affect the market-price of stocks, bonds or merchandise.



# STATE OF NEW YORK.

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No. 93.

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## IN ASSEMBLY,

APRIL 27, 1882.

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE

The Speaker and the Clerk, with the consent of the House, referred the following bills to the sub-committee of the whole:

No. 583, G. O. 520 — Mr. Keyes:

An act to foster and develop the internal commerce of the State by inviting and rewarding the practical and profitable introduction upon the State canals of steam, caloric, electricity or any motor other than animal power for the propulsion or towing of boats.

No. 584, G. O. 523 — Mr. Hannan:

An act in relation to the city of Brooklyn.

No. 585, G. O. 524 — Mr. Schermerhorn:

An act to provide for the construction of a sewer south of Warren street, in the city of Hudson.

No. 586, G. O. 525 — Mr. Schermerhorn:

An act to amend chapter 468 of the Laws of 1872, entitled "An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson."

No. 587, G. O. 526 — Mr. Gideon:

An act to amend chapter 178 of the Laws of 1877, entitled "An act in relation to bets, wagers and pools."

No. 596, G. O. 530 — Mr. Haggerty:

An act concerning car couplers.

No. 597, G. O. 531 — Mr. Bogan:

An act to legalize the running of palace and sleeping-cars on the railroads in this State and charge extra fare for the same.

G. O. 532 — Mr. Stillwell:

to regulate the speed of engines, cars and trains on railroads towns of over 10,000 inhabitants.

G. O. 533 — Mr. Andrews:

in relation to railroad corporations.

J. O. 534 — Mr. Brooks:

to amend chapter 140 of the Laws of 1850, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

Il, Int. No. 54, G. O. 634 — Senator Covert:

to amend section 78 of part 2, chapter 1, title 2, article of the Revised Statutes, being in relation to uses and lands.

Ill, Int. No. 78, G. O. 638 — Senator Mackin:

to amend chapter 811 of the Laws of 1875, entitled "An act to provide for the organization and regulation of certain business corporations."

Il No. 82, G. O. 636 — Senator Thomas:

to amend the Code of Civil Procedure, passed June 2, 1876, and the several acts amendatory thereof.

Il No. 84, G. O. 637 — Senator H. C. Nelson:

to amend the Code of Civil Procedure.

Il No. 113, G. O. 641 — Senator Thomas:

to amend an act entitled "An act supplemental to the Code of Civil Procedure," passed May 6, 1880.

Il No. 127, G. O. 103 — Senator Ellsworth:

to amend section 6 of chapter 3 of the second part of the Revised Statutes.

Il No. 128, G. O. 642 — Senator Thomas:

to amend section 2850 of the Code of Civil Procedure.

Ill No. 151, G. O. 610 — Senator Russell:

to amend chapter 443 of the Laws of 1881, entitled "An act to provide for the settlement and collection of arrearages of paid taxes and assessments in the city of Brooklyn, and to insure a more efficient collection of taxes in future."

Il No. 179, G. O. 639 — Senator Mackin:

to confirm and legalize the proceedings of the annual school meeting of union free school district No. 1 of the town of Deer Park, held October 11, 1881, and to authorize the board of education of said school district to proceed thereunder to select and procure a site for a new school-house in said district, and to erect a school-house thereon in accordance with the proceedings of said meeting.

Il No. 194, G. O. 638 — Senator Boyd:

for the appointment of police matrons in the several cities of this State.

No. 327, G. O. 290 — Mr. J. W. Higgins:

An act for the relief and incorporation of the Union Cemetery Association of the town of Royalton, in the county of Niagara.

No. 581, G. O. 518 — Mr. J. W. Higgins:

An act providing for the construction of a bridge over the Erie canal at the point of the intersection of Prospect street, in the city of Lockport, Niagara county.



STATE OF NEW YORK.

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No. 94.

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IN ASSEMBLY,

APRIL 27, 1882.

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SIXTH ANNUAL REPORT

OF THE BOARD OF COMMISSIONERS OF THE STATE  
SURVEY, AND REPORT OF THE DIRECTOR, FOR  
THE YEAR 1881.

OFFICE OF THE BOARD OF COMMISSIONERS OF THE  
STATE SURVEY, ALBANY, *April 26, 1882.* }

*To the Honorable the Legislature of the State of New York:*

I have the honor to transmit the Sixth Report of the Board of Commissioners of the State Survey, showing the progress of the work during the year 1881, as required by law.

I remain, very respectfully,

Your obedient servant,

HORATIO SEYMOUR,

*President of the Board.*





# REPORT.

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*To the Honorable the Legislature of the State of New York:*

The Commissioners of the State Survey, in compliance with the requisitions of the acts creating the Commission, respectfully report the general proceedings of the survey and the general results reached during the year 1881, by transmitting the annexed report of the Director, which they have adopted.

The work of the survey has now become so extensive and the computations so large that the detailed results of the work of 1881 cannot be prepared for publication until next year.

During the year 1881 the work of the survey has been carried on in nineteen counties of the State, the eastern division being engaged in completing the secondary triangulation of the Mohawk Valley in the counties of Albany, Montgomery, Fulton, Schenectady, Saratoga, Otsego and Schoharie, and the western division being occupied in laying out the primary triangulation through the counties of Chenango, Broome, Cortland, Tioga, Tompkins, Cayuga, Seneca, Schuyler, Chemung, Steuben, Yates and Ontario.

The completed chain of small triangles whose sides and angles have been measured with great precision now extends from the Hudson river to Wayne county.

The connection of the United States Coast and Geodetic Survey work on the Hudson river with that of the United States Lake Survey on Lake Ontario, has furnished the necessary means for proving the accuracy of the State Survey work. A line about thirteen and one-half miles long in the neighborhood of Rome was measured by two independent chains of triangles; one brought westward eighty-eight miles from the United States Coast and Geodetic Survey base on the Hudson river; the other chain of triangles brought eastward from the United States Lake Survey base on Lake Ontario, about sixty-six miles. These two independent measurements of a line about thirteen and a half miles long differed only twelve and one-third inches, and the direction or course of the line, as determined from the Hudson river base, differed from the course brought through from the Lake Survey only one and one-half seconds. The result indicates that the average error of the secondary measurements of the State Survey does not probably exceed an inch to the mile. When it is remembered that the average errors in the land surveys of the State, made with the chain, are from sixty to a hundred feet to the mile, the precise quality of our work will be better understood.

By means of this chain of triangles every city and village in the Mohawk Valley and its westward extension have been carefully located, so that they may all be placed upon the map in their proper geographical positions, and the altitudes of the towns and highest hills have also been determined.

How greatly many of these results differ from previous maps and statements may be judged by the instance that the highest land in Montgomery county is stated by the *Gazetteer* of New York to be seven hundred feet above the sea, when the State Survey finds that the highest hill in the county is one thousand four hundred and forty-six feet above the sea level.

The towns and villages whose positions were determined in 1881 by the eastern division of the Survey are Johnstown, Gloversville, Fort Plain, Canajoharie, St. Johnsville, Fonda, Fultonville, Auriesville, Kingsborough, Mayfield, Broadalbin, Stone Arabia, West Amsterdam, Sharon Springs, Mapletown, Frey's Bush, Perth Centre, Kring's Bush, Currytown, Rider's Corners, Oak Ridge and Tribes Hill. The highest hill immediately overlooking the Mohawk Valley is found to be East Hill, Otsego county, between Sharon Springs and Cherry Valley; it is two thousand three hundred feet high.

The western division has laid out a primary triangulation, which forms the basis of future work, over the whole central part of the State, carrying it southward to the Pennsylvania boundary. Provision has been made, at the request of the Regents of the University, for an accurate survey of the boundary between New York and Pennsylvania, which has at last been agreed upon by the two States, and is being carefully marked with permanent monuments. Continuous haze interfered seriously with the observations of long lines, in the central part of the State, and delayed the work. A series of experiments was made to determine the practicability of observing the angles of the larger triangles at night instead of during the day only, as has been the custom. The results were so satisfactory that it is thought possible to push the work of observing much faster during the coming season by utilizing both day and night in good weather.

During the coming season both divisions will be engaged in the survey of Central New York, and the work of the Survey in 1882 will doubtless make very important additions to the map of the State.

A detailed statement of expenditures is appended to this report. All of which is respectfully submitted,

(Signed)

HORATIO SEYMOUR,  
*President of the Board,*  
 W. A. WHEELER,  
 WILLIAM DORSHEIMER,  
 FRANCIS A. STOUT,  
 GEORGE GEDDES,  
 F. A. P. BARNARD.

## APPENDIX A.

*Detailed statement of expenditures from January 1, to October 1, 1881.*

Books.....	\$19 40
Cartage.....	3 45
Commissioner's expenses.....	3 00
Damages and rent of land.....	132 46
Expressage.....	81 41
Freight.....	51 72
Hardware.....	104 76
Harness, etc.....	40 50
Horses bought.....	300 00
Horse-keeping.....	356 93
Horse-shoeing.....	10 26
Horse hire and livery.....	407 85
Maps.....	61 00
Mathematical instruments.....	204 75
Messengers.....	1 35
Miscellaneous.....	22 06
Monuments.....	51 25
Muslin, etc.....	14 37
Office of Director.....	71 12
Postage.....	33 92
Printing.....	7 50
Repairs.....	33 67
Salaries, regular.....	7, 002 07
Salaries, special.....	510 00
Signal cones.....	69 00
Stationery.....	38 08
Storage.....	7 00
Street cars and tolls.....	6 62
Telegrams.....	48 65
Tents.....	10 00
Timber and lumber.....	265 49
Tools.....	38 80
Transportation, public.....	269 67
Veterinary surgeon and horse medicine.....	75
Wages of laborers.....	811 02
Wagons and equipments.....	271 17
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	\$11, 361 05



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REPORT OF THE DIRECTOR  
OF THE  
NEW YORK STATE SURVEY.  
SHOWING THE PROGRESS OF THE SURVEY  
DURING THE YEAR 1881.

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## REPORT OF THE DIRECTOR.

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### *To the Board of Commissioners of the State Survey :*

I have the honor to submit my report of the progress of the survey during the year 1881, with accompanying maps of the completed triangulation and its proposed extension during the coming season.

In these maps and also in the tables, I am not able to give the results of the work during the past year, because the amount of computations necessary to determine the geographical positions of the points located has become so great that they cannot be completed in time for the report of the year. The publication of the results of each season's work must hereafter be delayed until the publication of the report for the following year, in order to give time for computation and reduction of the observations.

The force of the survey has been divided into two divisions, the eastern division under Mr. Horace Andrews, Jr., engaged in completing the secondary triangulation of the Mohawk Valley ; and the western division under Mr. O. S. Wilson, engaged in laying out the primary triangulation of the central part of the State and along the Pennsylvania boundary.

Work was in progress under the eastern division in the counties of Albany, Montgomery, Fulton, Schenectady, Saratoga, Otsego and Schoharie ; and under the western division in the counties of Chenango, Broome, Cortland, Tioga, Tompkins, Cayuga, Seneca, Schuyler, Chemung, Steuben, Yates and Ontario, nineteen counties in all. The secondary chain of triangles is now completed from Lake Ontario in Wayne county to the Hudson river. It was started from the triangulation of the United States Lake Survey in the counties of Wayne and Oswego, and carried eastward over the topographical depression, followed by the New York Central Railway and the canal, until the eastern end was connected with the stations of the United States Coast Survey near the valley of the Hudson river. The work of observing on this chain was however actually carried on both from the United States Lake Survey eastward, and from the United States Coast Survey stations westward, till the juncture of the two parts was made in the neighborhood of Rome on a line 13.61 miles long. This line is from the State Survey station "Prospect" to the State Survey station "Rome." It will be seen that the line Prospect—Rome is thus measured both in distance and direction, by triangulating from the Lake Survey base and the Coast Survey base. The small difference in these two independent measurements is evidence

of the character of the work. Starting from the United States Coast and Geodetic Survey Stations Helderberg-Rafinesque and proceeding westward by our triangulation about eighty-eight miles from our starting point, we determined the length of the line Prospect-Rome to be 21907.212 metres, and the azimuth to be  $175^{\circ} 24' 22.61''$ . Starting from the Lake Survey Stations Clyde-Victory, and proceeding eastward by our triangulation about sixty-six miles from our base, we determined the length of the line Prospect-Rome to be 21907.525 metres, and the azimuth to be  $175^{\circ} 24' 21.15''$ . The difference in these two measurements is 0.313 of a metre, and the difference in the two azimuths of the line is less than a second and a half. It will thus be seen that our two independent measurements of a line 13.50 miles long do not differ more than 12.3 inches. The result is evidence that the average errors of our secondary measurements do not probably exceed an inch to a mile. I shall be better able to estimate the exact force of this evidence when the work of the government surveys is finally adjusted.

Such a grade of work I consider sufficiently accurate for all purposes for which the secondary measurements of the survey will ever be used.

One of the interesting scientific results of this connection of the Lake Survey triangulation with that of the United States Coast and Geodetic Survey is to show that the co-ordinates of latitude and longitude on which the Lake Survey work depends, on Lake Ontario, differ considerably from those used by the United States Coast and Geodetic Survey.

The latitude of the station Prospect, deduced geodetically from the United States Coast and Geodetic Survey Station Rafinesque, using Clark's ellipsoid, is  $43^{\circ} 2' 13.943''$ ; the latitude of Prospect, deduced geodetically from the Lake Survey Station Victory, is  $43^{\circ} 2' 15.734''$ ; the difference in latitude is  $1.79''$ . The longitude of Prospect deduced geodetically from Rafinesque is  $75^{\circ} 26' 40.861''$ ; the longitude of Prospect deduced geodetically from Victory is  $75^{\circ} 26' 47.304''$ , a difference of  $6.44''$  in longitude.

These differences in latitude and longitude are probably due to the fact that the geographical positions of the Lake Survey stations on Lake Ontario depend on the determination of latitude and longitude of comparatively few points situated along the lakes on the western side of the Appalachian mountain system; while the latitudes and longitudes of the United States Coast and Geodetic Survey are deduced from the means of a great many determinations made at points situated along the Atlantic coast. The latitude and longitude of the State Survey stations in Central New York have heretofore been given as deduced from the co-ordinates of the United States Lake Survey; but it is deemed best hereafter to alter those figures given in our tables, and base all of our geographical determinations on the co-ordinates used by the United States Coast and Geodetic Survey.



We have now located a number of stations in every county along the Mohawk Valley and its westward extension; and have determined the geographical position of every city and village in this important part of the State. The work last summer included the determination of the latitude and longitude of Johnstown, Gloversville, Fort Plain, Canajoharie, St. Johnsville, Fonda, Fultonville, Auriesville, Kingsborough, Mayfield, Broadalbin, Stone Arabia, West Amsterdam, Sharon Springs, Mapletown, Frey's Bush, Currytown, Perth Centre, Kring's Bush, Rider's Corners, Oak Ridge and Tribes Hill; and marked points on the boundary between Fulton and Montgomery counties were also located, and the elevations determined of the principal hills as well as of the towns of this section.

The most striking difference between our results and the statements heretofore made was in regard to the elevation of points in Montgomery county. In the *Gazetteer* of the State of New York, it is stated that the highest land in Montgomery county is seven hundred feet above the sea; but we find that the highest hill, near Oak Ridge, is really one thousand four hundred and forty-six feet above sea level. In Albany, the highest land on the summit of the Helderbergs is one thousand eight hundred and twenty-three feet in elevation by our determination, and one thousand eight hundred and twenty-two by that of the United States and Geodetic Survey. The Coast Survey levels depend on their *datum* point on the Hudson river, while ours are taken from the canal levels near Herkimer, and carried by trigonometrical leveling eastward to the Helderbergs. Babcock Hill, a point much visited near Schoharie, we find to be two thousand one hundred and seventeen feet high, while East Hill in Otsego county, between Sharon Springs and Cherry Valley, is two thousand three hundred feet high. This is, doubtless, the highest mountain immediately overlooking the Mohawk Valley.

An accurate list of elevation of stations and towns will be given in next year's report, but the average elevation of the central parts of a few towns are as follows:

Johnstown.....	710 feet elevation.
St. Johnsville .....	360      "
Gloversville.....	810      "
Broadalbin .....	825      "
Glen .....	650      "
Stone Arabia.....	770      "

In the central portion of the State, the work done consisted of laying out triangles of proper form and size to carry our measurements southward from the lake to the Pennsylvania boundary, and along that boundary from Broome county through Steuben, a distance of over a hundred miles. Stations were erected and monuments set over an area including some six thousand square miles. The work of observing the angles of the triangles was begun, but very much delayed by dense haze. Not only were primary stations established through the central part of the State, but secondary stations were so placed as to overlook the principal towns and villages of twelve

counties, and nearly a hundred miles of Pennsylvania boundary line, of which we are requested to make a careful survey by the Regents of the University who have the matter in charge.

In the central part of the State there are so many days in summer when dense haze renders it impossible to observe long lines that it is of the greatest importance to utilize to the fullest all of the time when the pureness of the atmosphere makes observations practicable.

Mr. Wilson has made a series of experiments to determine whether it is practicable to observe the principal lines of triangulations in the night as well in the day, by the use of a simple cheap illuminated signal. The preliminary results were so satisfactory that an effort will be made to carry on the observations during the coming summer, both night and day. The observations will be carefully analyzed, and the methods and results will be hereafter described. It is hoped that the work may be greatly facilitated by this use of night observations.

The whole force of survey will be employed during the coming season in observing the angles of the triangles already laid out in the counties of Chenango, Broome, Cortland, Tioga, Tompkins, Cayuga, Seneca, Schuyler, Chemung, Steuben, Yates, Ontario and Wayne. From these triangulation stations will be located many of the most important cities and villages of the State, including Binghamton, Owego, Ithaca, Watkins, Elmira, Penn Yan, Geneva, Ovid, Waverly, Seneca Falls, Waterloo, Bath and Canandaigua, and also a large part of the Pennsylvania boundary line.

There has been no change in the personnel of the assistants employed on the survey since my last report, Messrs. O. S. Wilson, Horace Andrews, Jr., and O. H. Bogardus continuing as the only permanent assistants on the survey. During the absence of the Director in Europe, Mr. Wilson acted as assistant in charge, and the plans approved by the Director were carried out in a thoroughly satisfactory manner, with great economy.

During my stay in England and in Switzerland, I examined carefully into the practical use of accurate maps in those countries, and I am more than ever convinced that the work of the State survey will prove of great practical utility to the State of New York. So numerous are the uses to which accurate maps are applied in European countries, and more especially in England, that it is difficult for those acquainted with the subject in those countries to understand how a State of the wealth of New York can administer its affairs with such grossly inaccurate and inadequate representations of its surface as the existing maps of this State. The great appreciation in which accurate maps are held in England and in other enlightened countries by intelligent, practical, as well as scientific men, is conclusive proof that the value of the work in which we are engaged will be more and more understood as time goes on, and especially when our results have so far progressed that we are able to present a complete map of some thickly settled portion of the terri-

tory of New York! When the community has once enjoyed the advantages of accurate surveys and maps they will know their value far better than we can make them understand by preliminary explanations.

While we are not doing work in detail, such as is done in Europe, our measurements are made with such precision, and the points established are so distributed over the State, that the work will form an absolutely reliable basis for all the map-work that is sure to come hereafter. Every civilized State in the world is at last obliged to make a complete and accurate map of its territory. This work never has been and never can be left to private enterprise. A thorough and detailed topographical map of the State of New York will surely be made under State authority, and our triangulation is being so executed as not only to be of immediate practical value, but also to form the necessary basis upon which a topographical survey must rest.

The people of the State of New York can never know their State as they ought to know it without a topographical map.

#### STATE BOARD OF HEALTH WORK.

As you already know, the Director of the State Survey was made by law an *ex-officio* member of the State Board of Health. On the organization of the board I was made chairman of the committee on drainage, sewerage and topography. At a regular meeting of the board last spring, I was directed to investigate the results of the different methods of sewerage employed successfully in Europe, especially in England, and to report to the board those methods which seemed most applicable to the towns and villages of the State of New York. This inquiry formed one of the most interesting parts of my experience in Europe, and the results have already been reported to the State Board of Health, and published.

I give herewith the statistics of the observations taken by Mr. Horace Andrews, Jr., in the eastern division of the work, and also a list of stations erected by the western division.

#### STATISTICS OF OBSERVATIONS.

Area of triangulation in sq. miles .....	922
Number of stations located .....	24
Number of stations occupied .....	24
Number of subsidiary objects located .....	78
Number of stations whose heights were determined .....	30
Number of subsidiary objects whose heights were determined .....	35
Number of horizontal angles between stations .....	106
Entire number of horizontal angle observations .....	5, 073
Number of reciprocal zenith distance observations .....	51
Entire number of zenith distance observations .....	1, 256

## SIGNALS ERECTED IN 1881.

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Name.	Town.	County.
St. Johnsville.....	St. Johnsville.....	Montgomery.
Kingsborough.....	Johnstown.....	Fulton.
West Perth.....	Perth.....	Fulton.
Brandmill.....	Glenville .....	Schenectady.
Adebahr .....	Florida.....	Montgomery.
Richford.....	Richford.....	Tioga.
Virgil*.....	Virgil.....	Cortland.
Solon.....	Solon.....	Cortland.
Enfield .....	Enfield.....	Tompkins.
Hector .....	Hector .....	Schuyler.
Newfield.....	Newfield.....	Tompkins.
Pulver.....	Italy .....	Yates.
Worden†.....	South Bristol. ....	Ontario.
Sproule.....	Orange.....	Schuyler.
Erin.....	Erin.....	Chemung.
Bly†.....	Jackson.....	Tioga, Pa.
Warren* .....	Warren .....	Bradford, Pa.
Maine.....	Maine.....	Broome.
Windsor.....	Windsor.....	Broome.
Bobell.....	Coventry .....	Chenango.
Berry* .....	Macdonough.....	Chenango.
Whitney.....	Plymouth .....	Chenango.
Litchfield.....	Litchfield .....	Bradford, Pa.
Barton.....	Barton.....	Tioga.
Chemung .....	Chemung.....	Chemung.
Ashland .....	Ashland .....	Chemung.
Hornby.....	Hornby.....	Steuben.
Urbana.....	Urbana.....	Steuben.
Ovid Academy.....	Ovid.....	Seneca.

\* Tower thirty feet high.

† Tower forty feet high.

‡ Tower fifty feet high.

Very respectfully submitted,

JAMES T. GARDINER,

*Director.*

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# TABLES.

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TABLE FOR CONVERTING METERS INTO FEET.  
(LOG. METERS + 0.5159889 = LOG. FEET.)

Meters.	Feet.	Meters.	Feet.	Meters.	Feet.	Meters.	Feet.	Meters.	Feet.
100,000	328,086.9	10,000	32,808.7	1,000	3,280.87	100	328.09	10	32.81
90,000	295,278.2	9,000	29,527.8	900	2,952.78	90	295.28	9	29.53
80,000	262,469.5	8,000	26,247.0	800	2,624.70	80	262.47	8	26.25
70,000	229,660.9	7,000	22,966.1	700	2,296.61	70	229.66	7	22.97
60,000	196,852.2	6,000	19,685.2	600	1,968.52	60	196.85	6	19.69
50,000	164,043.5	5,000	16,404.4	500	1,640.44	50	164.04	5	16.40
40,000	131,234.8	4,000	13,123.5	400	1,312.35	40	131.23	4	13.13
30,000	98,426.1	3,000	9,842.6	300	984.26	30	98.43	3	9.84
20,000	65,617.4	2,000	6,561.7	200	656.17	20	65.62	2	6.56
10,000	32,808.7	1,000	3,280.9	100	328.09	10	32.81	1	3.28

Example illustrating the use of the table. The distance, Helderberg to Rafinesque, is 38,986 meters. Required, the distance in feet.

38,000 meters = 98,426.1 feet.  
 6,000 " = 19,685.2 "  
 900 " = 2,952.8 "  
 60 " = 196.8 "  
 6 " = 19.7 "

38,986 meters = 121,280.6 feet.

# NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITION. ALBANY COUNTY.

NAME OF STATION.	No. of monu- ment.	Township.	No. of lot.	Owners name.	Latitude	Longi- tude.	Azimuth.	To station.	Back azimuth.	Dis- tance. Meters.
HELDERBERG .....	U.S.C.S.	New Scotland	....	D. Flamsburgh .....	42 37 38	74 00 39	0 1 "	Rafinesque.....	0 1 "	36936
Abutment .....	188	Albany City.....	....	.....	42 39 14	73 44 40	59 48 45 230 49 51	Cathedral .....	239 48 07 50 50 50	1469 2562
Arsenal .....	237	West Troy. ....	..	U. S. Government...	42 43 09	73 42 07	343 09 07 234 59 15	Iron Works..... Troy University..	163 09 21 55 00 01	1535 1877
Baker .....	162	Bethlehem .....	....	C.V. Baker .....	42 31 47	73 46 01	30 46 35 159 01 31	Vrooman .....	210 46 00 339 01 15	2342 1457
Bethlehem .....	3	Bethlehem .....	....	Ezra Swartwout.....	43 34 44	73 47 53	.....	Helderberg .....	286 56 47 206 09 59	18259 15614
Blodget, .....	4	Coeymans .....	...	Wolsey Blodget. . .	42 30 55	73 53 46	....	Helderberg .....	322 43 40 87 08 11	15586 39048
Campbell. ....	234	Watervliet... ..	....	James Campbell .....	42 42 09	73 44 22	349 10 50 296 14 24	Rysedorph .....	169 11 37 116 17 31	8013 6991
Cass .....	7	New Scotland.....	....	Mary A. Cass .....	42 34 11	73 59 16	238 18 38 178 45 44	Ferris .....	58 28 09 368 45 41	22542 5228
Cedar Hill .....	Bolt.	Bethlehem...	....	.....	42 32 56	73 45 34	258 47 01 225 51 35	Vandenb'h (bolt) Campbell's Isl'd..	78 47 58 45 51 54	1944 890
Center Street.....	240	Watervliet.....	....	On Green Island .....	42 44 33	73 41 27	337 17 24 252 49 01	Troy University.. Mt Olympus . .	157 17 43 72 49 18	1628 595
Clarksville.. ..	6	New Scotland.....	....	Dr. C. J. Crounse....	42 34 31	73 57 39	153 07 45 74 20 58	Countryman .....	333 08 36 254 19 52	5162 2307
Congress Street Bridge .....	238	West Troy. ....	...	.....	42 43 46	73 41 55	356 21 59 271 49 22	Iron Works .....	176 22 04 91 50 00	2591 1257

NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITION—(Continued).  
ALBANY COUNTY—(Continued).

NAME OF STATION.	No. of monument	Longitude.	Azimuth.	To station.	Back azimuth.	Distance. Meters.
Cornlog.....	1	73 40 16	252 42 12 290 53 52	Rysedorp (C.S.), Grandview.....	72 44 17 119 55 26	4396 3682
Countryman .....		73 50 21	177 46 17 217 26 19	Van Aften ....., Niskayuna .....	357 45 29 27 42 41	31206 20031
Dominies Hook .....	Bot	73 45 51	165 54 20 240 35 13	Cornlog ....., Teller .....	345 54 10 60 36 24	22323 2746
Dominies Hook .....	1	73 45 52	227 18 00	Dominies Hook, (bolt).	47 16 00	13
Ferris .....		73 45 14	75 26 03 323 11 02	Helderberg ....., Rysedorp.....	255 26 42 159 12 25	21706 6153
Freleigh .....	Pol	72 47 13	60 33 16 74 01 02	Lansing Pine ....., Niskayuna .....	249 29 57 253 59 10	4937 3613
Greenbush Ferry. ....	+ or about	73 45 04	302 44 33 243 11 06	Rysedorp ....., Van Rensselaer..	122 45 50 63 12 06	3053 2182
Guilderland .....		73 58 02	.....	Helderberg ....., Winn .....	203 44 32 206 12 10	3874
Hamiltonville .....		73 55 13	162 24 00 39 40 23	Van Aften ....., Helderberg .....	342 30 34 219 36 52	22323 11627
Knowersville.....		74 02 01	.....	Lansing Pine ....., Stille's Hill .....	67 45 08 356 45 39	16796 3625
Lansing.....	2	73 42 50	346 04 13 323 59 06	Riley ....., Troy University.	106 04 52 107 00 24	4769 2844
Lansing Pine.....		73 50 26	223 46 22 42 49 21	Niskayuna ....., Helderberg .....	53 46 49 223 41 23	1128 20159



Monument 102 .....	103	Watervliet .....	.....	.....	42 40 40	73 43 24	81 44 32 40 02 31	Ferris .....	201 43 14 120 01 01	2027 4074
Mull .....	109	Coeymans .....	..	B. T. K. Bronk .....	42 20 53	73 47 05	252 30 57 16 34 26	Traver (U.S.C.S.), Roha Hook .....	72 31 54 105 34 14	2023 1574
Niskayuna .....	18	Watervliet .....	.....	Shaker Family .....	42 45 50	73 40 58	281 54 33 43 23 07	Rafinesque .....	82 03 22 223 15 52	17879 21301
Paarda Hook .....	Bolt.	Bethlehem .....	.....	John D. Parsons .....	42 33 17	73 45 20	278 11 18 198 00 40	Vandenb'h (bolt), Muller .....	98 12 00 18 00 57	1748 1887
Parke .....	Bolt.	Bethlehem .....	.....	P. Wendell Parke .....	42 35 53	73 46 06	233 20 56 272 31 47	Vandenb'h (bolt), Grandview .....	153 22 14 92 33 14	5881 2022
Patterson .....	157	Bethlehem .....	.....	On Beacon Island .....	42 26 12	73 45 50	155 39 42 200 12 30	Corning .....	335 39 25 80 13 41	1398 2407
Race Course .....	236	Watervliet .....	.....	Erastus Corning .....	42 41 16	73 42 55	67 43 38 10 34 17	Ferris .....	247 42 04 190 34 05	3403 2187
Roha Hook .....	174	Coeymans .....	.....	B. Ten Eyck .....	42 29 04	73 47 24	223 19 57 234 30 16	Traver (U.S.C.S.), Ten Eyck (C.S.) ..	48 21 07 104 31 20	3184 2215
Sage .....	189	Albany City, (Lumber Dist.)	.....	Wm. Van Rensselaer ..	42 40 01	73 44 05	123 25 13 261 52 52	Ferris .....	303 24 26 81 53 27	1888 1201
Schuyler .....	235	West Troy .....	.....	Phillip Schuyler .....	42 42 19	73 42 31	265 32 33 174 53 31	Iron Works .....	85 33 03 354 56 29	905 806
Schermerhorn Island .....	168	Bethlehem .....	.....	On Schermerhorn Id. ..	42 31 19	73 46 00	46 53 29 328 50 12	Vrooman .....	228 52 52 148 59 23	1083 733
Shad Island .....	171	Coeymans .....	..	Robert Shaver .....	42 30 52	73 46 23	320 44 22 64 33 55	Traver (U.S.C.S.), Vrooman .....	140 44 51 244 33 25	1555 776
Sittle's Hill .....	10	Guilderland .....	.....	Silas Winn .....	42 44 05	74 02 10	259 55 08 350 09 55	Rafinesque .....	80 12 12 170 10 56	34871 12120
Slingerland .....	5	New Bethlehem ..	.....	Wm. H. Slingerland ..	42 37 34	73 51 59	57 56 13 84 12 37	Cass .....	237 51 17 284 07 37	11772 10134
Smith .....	.....	Knox .....	.....	M. H. Smith .....	42 44 37	74 04 48	.....	Sittle's Hill .....	105 45 40 116 38 31	8723 8344
Vau Dalsen .....	177	Coeymans .....	.....	Road side .....	42 28 00	73 47 32	5 28 11 224 46 23	Orchard .....	185 28 09 104 49 21	738 2082

NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITION—(Continued).

ALBANY COUNTY—(Continued).

NAME OF STATION.	No. of monument.	Township.	No. of lot.	Owner's name.	Latitude	Longitude.	Azinuth.	To station.	Back azimuth.	Distance. Meters.
Vanderzee. ....	Bolt.	Bethlehem. . . . .	....	John G. Vanderzee..	° ' " 42 32 32	° ' " 73 46 25	° ' " 249 36 01 346 34 57	Vandenb'h (bolt), Traver (U.S.C.S.).	° ' ' 69 37 32 166 35 28	3273 4391
Vanderzee.....	145	Bethlehem . . . . .	....	John G. Vanderzee..	42 32 32	73 46 25	6 56 30	Vanderzee (bolt).	186 56 30	6
Van Wie.....	146	Bethlehem.....	....	Dr. H. Wendell.....	42 34 53	78 45 23	154 18 33 218 29 18	Parke ..... Belvedere.....	334 18 05 38 30 72	2221 2358
Vrooman .....	154	Coeymans . . . . .	....	Cornellus Vrooman..	42 30 41	73 46 54	219 25 30 297 19 06	Vandenb'h (bolt) Traver (U.S.C.S.).	39 27 21 117 19 56	5890 1897
Winn .....	.....	Guilderland . . . . .	....	Silas Winn.....	42 43 48	74 02 33	.....	Sittle's Hill ..... Helderberg .. . .	45 56 14 167 13 12	733 11723
Winnies Dock .....	160	Bethlehem.....	....	Peter Van Wie .....	42 33 52	73 45 18	311 25 01 200 16 04	Vandenb'h (bolt). Muller.....	131 25 46 29 16 15	2046 791
Winnies Point.....	U.S.C.S.	Bethlehem.....	....	John D. Parsons.....	42 33 17	73 45 26	24 11 00	Paarda Hook.....	204 11 00	3
Westerloe Island.....	170	Bethlehem.....	....	Mr. Van Rensselaer..	42 37 19	73 45 41	307 26 18 230 38 14	Teller ..... Moles .....	127 27 23 50 38 40	2731 1122
ALBANY CITY.										
Court House .....	.....	.....	....	.....	42 39 05	73 45 19	.....	Ferri's ..... Rysedorph.....	2 18 18 133 45 49	2745 4018
Cathedral spire.....	.....	.....	....	.....	42 38 50	73 45 36	... ..	Ferri's ..... Rysedorph.....	8 57 11 124 57 19	3255 4020
Convent of the Sacred Heart.	.....	.....	....	.....	42 37 39	73 46 22	.....	Ferri's ..... Rysedorph... . .	15 55 43 91 26 11	5026 4334
Catholic ch. sp., N. Albany..	.....	.....	....	.....	42 40 18	73 44 24	.....	Ferri's ..... Rysedorph .....	232 43 25 161 54 35	1226 5312

Congregational church spire,	.....	.....	.....	42 38 58	73 45 37	.....	Ferris Rysedorph.....	5 53 01 129 00 13	men 3867
Church of Our Lady of Angels (tower).	.....	.....	.....	42 39 43	73 45 11	.....	Ferris Rysedorph.....	38 44 48 133 45 45	2076 5050
Dudley Observatory (centre of Equatorial dome)	.....	.....	.....	42 39 50	73 45 02	.....	Ferris Rysedorph.....	348 41 48 148 52 25	1876 4870
Fourth Presb. church spire...	.....	.....	.....	42 39 19	73 44 59	.....	Ferris Rysedorph.....	351 23 80 142 40 49	2349 4018
Lark St. M. E. church spire...	... ..	.....	.....	42 39 17	73 45 57	.....	Ferris Rysedorph.....	22 30 20 120 37 30	2588 4905
Old Capitol (head of statue),	.....	.....	.....	42 39 05	73 45 25	.....	Ferris Rysedorph.....	5 23 24 132 13 29	2705 4115
State St. Presb. church spire,	.....	.....	.....	42 39 12	73 45 42	.....	Ferris Rysedorph.....	14 08 38 131 10 57	2803 4547
Second Presb. church spire.	.....	.....	.....	42 39 03	73 45 13	.....	Ferris Rysedorph.....	359 30 12 134 25 15	2810 3839
St. Peter's church spire.....	.....	.....	.....	42 39 01	73 45 16	.....	Ferris Rysedorph.....	1 11 32 133 02 49	2859 3806
St. Paul's Luth. church spire,	.....	.....	.....	42 39 31	73 46 09	.....	Ferris Rysedorph.....	33 00 42 131 22 13	2324 5402
St. Patrick's R. C. church sp.	.....	.....	.....	42 39 49	73 46 18	.....	Ferris Rysedorph.....	46 31 10 134 03 36	2030 5423
State Hall (flag pole).....	.....	.....	.....	42 39 07	73 45 17	.....	Ferris Rysedorph.....	1 26 44 134 47 01	2885 4023
Tabernacle Bap. church sp...	.....	.....	.....	42 39 18	73 45 07	.....	Ferris Rysedorph.....	353 22 46 140 07 42	2384 4115
Water-works chimney.....	.....	.....	.....	42 40 22	73 46 42	.....	Ferris Rysedorph.....	79 42 02 137 03 23	2043 7041
Waterworks gate-house pole,	.....	.....	.....	42 40 23	73 46 49	.....	Ferris Rysedorph.....	81 28 14 136 17 04	2202 7184
-----o:-----	.....	.....	.....	42 37 20	73 50 12	.....	Helderberg Cass.....	272 05 31 244 40 45	14304 13746
Adamsville M. E. church .....	.....	Bethlehem.....	.....	42 37 20	73 50 12	.....			

NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITIONS — (Continued).

ALBANY COUNTY — (Continued).

NAME OF STATION.	No. of monu-ment.	Township.	No. of lot.	Owner's name.	Latitude	Longi-tude.	Azimuth.	To station.	Back Azimuth.	Dis-tance. Meters.
Barren Island summer-house flag pole.	.....	Coeymans .....	....	.....	° ' ' 42 28 04	° ' ' 73 47 12	° ' ' 81 31 52 74 56 46	Orchard..... Van Dalfsen . . .	° ' ' 211 31 36 254 56 33	1005 471
Briggs' Monument, Coeymans cemetery.	.. ....	Coeymans ...	....	.....	42 28 00	73 47 43	283 29 05 308 33 36	Bell ..... Whannel .....	103 30 11 123 04 45	2299 2364
Clarksville D. R. church sp...	. . . .	New Scotland ...	....	.....	42 34 32	73 57 40	.....	Clarksville. .... Cass.....	112 13 43 253 47 52	35 2230
Coeymans Academy.....	.....	Coeymans .....	....	.....	42 28 22	73 47 56	258 48 02 222 02 59	Yellow Pine (C.S.) Traver (U.S. C.S.)	78 53 04 42 04 30	10415 4626
Coeymans dock flag pole ....	... ....	Coeymans .....	....	.....	42 28 23	73 47 24	179 56 49 261 15 18	Roha Hook..... Mull's Island ...	359 56 49 81 15 31	1290 440
Cross-over Light-house.....	.....	Bethlehem .....	...	.....	42 36 48	73 45 46	247 29 15 102 47 30	Rysedorph (C. S.) Cornig.....	67 30 59 282 47 10	3312 633
D. R. ch. south of Bethlehem, Δ n station.	.....	Bethlehem .....	....	.....	42 33 42	73 48 20	.....	Cass ..... Helderberg .....	273 24 15 203 17 33	14994 18351
Deserted Luth. ch. sp., 1½ miles west of Guilderland.	.... .	Guilderland .....	....	.....	42 43 32	73 59 56	.....	Winn ..... Helderberg .....	303 17 56 186 10 53	4281 9134
Dunsville (flag pole) ....	.....	Guilderland .....	....	.....	42 44 23	74 01 03	...	Helderberg .....	171 31 46 103 14 28	12536 22727
Dunsville P. O. church spire.	.....	Guilderland .....	...	.....	42 44 24	73 58 55	.....	Sittle's Hill..... Δ n station 74 ....	258 21 42 294 10 55	4534 2224
East Township Bapt. ch. sp..	.....	Knox.....	....	.....	42 42 13	74 05 42	.....	Van Atten..... Sittle's Hill .....	18 21 07 15 24 24	23629 5626
Feura Bush D. R. ch. sp.....	.....	New Scotland ...	....	.....	42 34 35	73 52 53	.....	Rysedorph..... Ferris.....	67 19 57 43 26 00	14375 15234



# NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITIONS — (Continued).

## ALBANY COUNTY — (Continued).

NAME OF STATION.	No. of monument.	No. of lot.	Owner's name.	Latitude	Longitude.	Azimuth.	To station.	Back Azimuth.	Distance. Meters.
West Troy, D. R. ch.....	.....	.....	.....	42 42 47	73 43 34	84 30 46 843 56 04	Campbell, .....	244 29 28 163 56 22	2723 2130
Williams' Monument in Rural Cemetery.	.....	.....	.....	42 41 53	73 44 16	183 40 45 234 56 13	Campbell, .....	348 40 41 74 57 53	542

## CAYUGA COUNTY.

NILES.....	107	.....	Thomas Fitzpatrick.	42 47 55	76 26	123 47 31 163 19 39	Clyde..... Victory.....	308 29 53 343 12 37	44333 45653
VICTORY.....	U.S.L.S.	.....	John Jewell.....	43 13 03	76 26 24	43 32 42	Clyde. ....	223 22 06	28000
Mitchell.....	115	.....	John Mitchell.....	42 56 33	76 31 46	113 53 33 334 01 56	Clyde..... Niles .....	276 43 53 164 05 43	23700 17735
Tanner.....	116	.....	S. B. Tanner.....	43 01 13	76 33 32	97 53 16 169 57 51	Clyde..... Victory.....	277 40 46 349 56 54	25123 22314
Auburn city, dome of Court-house.	.....	.....	.....	42 55 46	76 34 11	119 25 36 332 46 56	Clyde..... Niles .....	239 19 22 142 53 26	27544 18245

## COLUMBIA COUNTY.

MOUNT MARINO.....	271	.....	W. J. Wiswall .....	42 14 03	73 42 04	202 26 41	Yellow Pine (U. S. C. S.)	22 22 23	30847
Academy Hill.....	269	.....	Allen Rosaman... ..	42 14 36	73 43 37	187 28 23 123 59 25	Sharts. .... Hallenbeck, S. ....	7 29 44 303 57 09	5435 5556
Alvord.....	273	.....	Frederick Judson..	42 19 09	73 43 30	143 42 45 107 03 01	Vineyard .....	323 42 19 237 04 31	2273 1095
Bailey.....	250	.....	Mrs Geo. W. Bailey..	42 24 06	73 46 45	41 16 04 161 51 50	Terry .....	221 15 14 341 51 22	2563 3343



NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITIONS—(Continued).

COLUMBIA COUNTY—(Continued).

NAME OF STATION.	No. of monument.	Township.	No. of lot.	Owner's name.	Latitude	Longitude	Azimuth.	To station.	Back Azimuth.	Distance. Meters.
Stockport.....	275	Stockport.....	.....	.....	° ' " 42 18 00	° ' " 73 46 12	° ' " 71 55 13 118 36 57	Railroad farm... 4-mile Point.....	° ' " 251 54 07 298 36 24	2390 1306
Stuyvesant .....	248	Stuyvesant .....	..	Mrs. A. Davis... ..	42 23 20	73 47 01	65 06 32 122 45 52	Terry .....	245 05 53 342 45 16	1472 1488
Thistle.....	246	Stuyvesant .	.....	.....	42 24 54	73 46 30	135 46 19 12 00 80	Bronk..... Bailey.....	315 45 41 192 00 20	1838 1610
Tracy .....	249	Stuyvesant .....	.....	John Tracy.....	42 25 24	73 44 32	46 53 02 342 44 11	Terry .....	228 50 43 162 44 47	6477 4113
Van Alstyne.....	244	Stuyvesant .....	.....	Mr. Van Alstyne .....	42 25 52	73 46 19	73 21 16 128 55 07	Bronk..... Vanderpoel.....	252 20 31 308 54 23	1614 1703
Van Buren.....	251	Stuyvesant .....	.....	John Van Buren .....	42 23 16	73 43 39	47 01 46 85 13 04	Lampman..... Terry ..	223 50 10 265 10 09	7673 5989
Whannel .....	185	Stuyvesant .....	.....	John Whannel ..	42 27 01	73 46 01	153 26 14 116 38 49	Roha Hook..... Orchard .....	333 25 18 206 37 45	4262 2418
Wiswall.....	273	Greenport .....	.....	William J. Wiswall..	42 14 47	73 48 54	182 42 44 126 15 58	Black Rock..... Morrison....	2 42 45 306 14 27	1054 1318
Wood... ..	280	Stuyvesant .....	.....	Hosias Wood .....	42 21 53	73 46 54	23 10 58 144 28 47	Lampman..... Terry .....	203 10 24 324 28 04	2800 2541
Barren Island pine (county corner).	.....	.....	.....	Knickerbocker Ice Co.	42 27 51	73 47 09	6 44 00	Barren Island...	186 44 00	42
Coxsackie R. R. station chimney.	.....	Stuyvesant ..	.....	.....	42 21 14	73 47 01	13 37 48 80 56 38	Vineyard .....	193 37 34 260 56 08	1937 1624
F. E. Church's house tower..	.....	Greenport .....	.....	F. E. Church .....	42 18 00	73 49 47	206 45 27 235 42 38	Merino..... Academy hill....	26 45 56 56 44 41	2201 5237



Five Hook Isl'nd light-house	.....	Stuyvesant .....	.....	.....	42 27 47	° ' "	73 40 56	° ' "	276 26 37 34 21 27	° ' "	Bell ... .. Parsons... ..	00 37 11 214 21 02	1167 1464
Greenport church .....	....	Greenport .....	....	....	42 11 54	° ' "	73 48 14	° ' "	103 43 33 203 57 04	° ' "	Merino .....	843 43 59 23 58 09	4143 5450
HUDSON.													
Baptist church.....	.....	Hudson city .....	....	....	42 15 04	° ' "	73 47 29	° ' "	49 24 39 303 06 34	° ' "	Merino..... Academy hill....	229 23 35 123 09 08	2886 1463
Light-house.. ..	.....	.....	....	....	42 15 06	° ' "	73 47 34	° ' "	288 43 26 199 49 29	° ' "	Academy hill.... Freight yard.....	108 44 44 18 49 56	2827 2017
Lutheran church....	.....	Hudson city .....	....	....	42 14 54	° ' "	73 47 04	° ' "	60 39 19 310 52 31	° ' "	Merino..... Academy hill....	240 37 58 130 52 49	8162 8223
P. E. church .....	.....	Hudson city .....	....	....	42 14 59	° ' "	73 47 23	° ' "	53 41 20 303 02 19	° ' "	Merino..... Academy hill....	233 40 12 123 02 51	2874 1266
Presbyterian church.....	....	Hudson city .....	....	....	42 15 03	° ' "	73 47 23	° ' "	51 53 31 307 50 42	° ' "	Merino. .... Academy hill. . .	231 52 23 127 51 12	2980 1328
B. C. church .....	.....	Hudson city .....	....	....	42 15 03	° ' "	73 47 39	° ' "	300 19 50 223 26 40	° ' "	Academy hill.... Patten .. ..	120 20 32 43 26 59	1663 962
Universalist church.....	....	Hudson city .....	....	....	42 14 59	° ' "	73 47 15	° ' "	308 24 57 186 39 21	° ' "	Academy hill.... Patten .. ..	128 25 22 6 39 24	1114 852
Water-works chimney... ..	.....	Hudson city . .	..	..	42 15 18	° ' "	73 47 55	° ' "	94 59 15 55 11 00	° ' "	Black Rock..... Wisswall. ....	274 58 37 235 10 20	1306 1645
Judson's barn cupola... ..	.....	Stockport.....	....	....	42 19 44	° ' "	73 46 01	° ' "	114 46 10 65 10 41	° ' "	Vineyard ... .. Stevens .....	294 45 15 245 09 51	2036 1856
Kind'rhook Ref'm'd chur'h	.....	Kinderhook .....	....	....	42 23 35	° ' "	73 42 06	° ' "	82 26 29 134 53 10	° ' "	Terry' .....	262 22 31 314 51 30	8165 4748
Knikkerbocker's house, cup.	.....	Stuyvesant .....	....	....	42 27 39	° ' "	73 46 13	° ' "	235 11 22 347 07 30	° ' "	Bell . . . . . Whannel.....	55 11 27 167 07 38	208 1203
Milham's house cupola.....	.....	Kinderhook .....	...	...	42 23 48	° ' "	73 43 27	° ' "	76 36 15 152 58 45	° ' "	Terry..... Tracy .....	250 33 11 332 58 00	6403 3303
New Baltimore dike light-house.	.....	Stuyvesant .....	....	....	42 27 09	° ' "	73 46 56	° ' "	221 04 23 20 05 33	° ' "	Whannel .....	101 05 01 200 05 19	1293 1386
Stockport R. R. station chimney.	.....	Stockport.....	..	..	42 18 36	° ' "	73 46 21	° ' "	48 19 14 150 57 37	° ' "	Railroad farm... Lampman.. ..	228 18 14 330 53 42	2771 3917

# NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITIONS — (Continued).

## COLUMBIA COUNTY — (Continued).

NAME OF STATION.	No. of monument.	Township.	No. of lot.	Owner's name.	Latitude	Longitude.	To station.	Back azimuth.	Distance. Meters.
STUYVESANT.									
German Lutheran church .....	.....	Stuyvesant .....	.....	.....	42 23 23	73 46 24	Terry .....	253 03 50	2273
Light-house .....	.....	Stuyvesant .....	.....	.....	42 24 30	73 46 44	Van Duren .....	93 02 00	2700
Reformed church tower .....	.....	Stuyvesant .....	.....	.....	42 23 15	73 46 56	Bailey .....	161 30 11	1137
-----:0:-----	.....	Stuyvesant .....	.....	.....	42 23 15	73 46 56	Thistle .....	84 34 40	632
Town corner (S. W. corner of Stuyvesant).	.....	Stuyvesant .....	.....	.....	42 20 30	73 46 54	Terry .....	252 03 29	1503
Van Alstyne's barn cupola ..	.....	Stuyvesant .....	.....	Mr. Van Alstyne ..	42 25 54	73 46 17	Van Slyke ..	305 34 51	1656
Whitehead's barn, W. gable.	.....	Stuyvesant .....	.....	Mr. Whitehead .....	42 21 30	73 46 46	Fordham Point..	110 44 30	32
	.....	Stuyvesant .....	.....	.....	42 25 54	73 46 17	Bronk .....	251 12 16	1684
	.....	Stuyvesant .....	.....	.....	42 21 30	73 46 46	Vanderpoel....	306 20 56	1715
	.....	Stuyvesant .....	.....	.....	42 21 30	73 46 46	Lampman .....	214 16 24	2393
	.....	Stuyvesant .....	.....	.....	42 21 30	73 46 46	Wood .....	345 25 22	741

## DELAWARE COUNTY.

UTAHYANTHO ..	27	Stamford ..	.....	.....	42 23 53	74 35 20	East Hill ..	347 33 12	42556
							Heiderberg ..	62 07 42	63961

## FULTON COUNTY.

ROYAL HILL .....	22	Caroga .....	.....	Daniel M. Durfee...	43 05 05	74 31 04	East Hill .....	204 03 51	30063
							Heiderberg ..	140 57 42	65700
CLIPP HILL .....	20.	Johnstown ..	.....	Philip House ..	43 03 01	74 25 26	Royal Hill .....	296 30 37	8561
							Galway .....	80 30 16	31159
Dunn's Hill .....	31	Johnstown ..	.....	John Dunn .....	42 59 23	74 22 12	Glen .....	161 03 46	11839
							Waterstreet ..	120 00 08	23303
VEDDER .....	213	Oppenheim ..	22&23	Christian Vedder ..	43 01 06	74 39 04	Willett .....	214 49 55	5821
							Barto .....	302 24 47	23114

Middle sprito, Free Meth. ch.	.....	Oppenheim.....	.....	.....	43 07 14	° ' "	74 38 22	° ' "	37 00 19 98 02 55	Ostrander .....	216 53 26 272 52 38	° ' "	22704 20451
Oppenheim M. E. church ...	.....	Oppenheim.....	.....	.....	43 04 23	° ' "	74 41 38	° ' "	86 47 02 111 48 32	Ostrander .....	215 42 22 291 40 28	° ' "	15881 17235
"Twin" M. E. church .....	.....	Oppenheim.....	.....	Crum-creek P. O.....	43 02 20	° ' "	74 42 54	° ' "	89 36 50 55 11 12	Ostrander .....	219 33 03 235 03 38	° ' "	11842 18377
"Twin" Union church .....	.....	Oppenheim.....	...	Crum-creek P. O.....	43 02 21	° ' "	74 42 55	° ' "	39 28 51 55 03 44	Ostrander .....	219 23 04 234 53 11	° ' "	11887 18382
West Galway, northern ch. sp.	.....	Broadalbn .....	.....	.....	43 00 20	° ' "	74 06 04	° ' "	.....	Waterstreet .....	170 43 20 234 15 12	° ' "	16074 22257
West Galway, Presb. ch. sp...	.....	Perth .....	.....	.....	43 00 17	° ' "	74 06 04	° ' "	.....	Glen .....	234 21 59 170 42 17	° ' "	22211 15880
West Galway, Un. Pr'b. ch. sp.	.....	Perth .....	.....	.....	43 00 11	° ' "	74 06 05	° ' "	.....	Glen .....	234 48 53 170 28 25	° ' "	22073 15798
West Perth church tower....	.....	Perth .....	.....	.....	43 01 05	° ' "	74 11 22	° ' "	.....	Galway.....	65 35 26 150 24 34	° ' "	18210 19843

GREENE COUNTY.

Barren Island .....	176	New Baltimore..	.....	South end of Island.	42 27 50	° ' "	73 47 10	° ' "	53 36 30 276 46 37	Orchard .....	233 36 13 98 47 21	° ' "	733 1491
Black Rock.....	235	Athens .....	.....	H. F. Dernel .....	42 15 21	° ' "	73 48 52	° ' "	6 35 12 294 17 41	Merino .....	186 35 04 114 19 12	° ' "	2423 3400
Bogardus .....	256	Coxsackie .....	.....	Anth'y E. Bogardus.	42 22 07	° ' "	73 47 58	° ' "	354 24 15 286 37 22	Lampman .....	174 24 24 106 38 04	° ' "	3112 1508
Bronk.....	196	New Baltimore..	.....	Ephraim Bronk .....	42 25 36	° ' "	73 47 26	° ' "	8 45 38 273 34 50	Terry.....	188 45 16 95 38 48	° ' "	4875 4002
Bronk's Island .....	279	New Baltimore..	.....	P. V. B. Van Slyke..	42 24 15	° ' "	73 47 13	° ' "	301 01 35 218 57 02	Balley.....	121 01 54 38 57 30	° ' "	737 1538
Colvin .....	198	New Baltimore..	.....	John Colvin .....	42 24 38	° ' "	73 47 29	° ' "	181 49 23 250 31 51	Bronk.....	1 49 25 70 32 31	° ' "	1791 1421
Coxsackie .....	255	Coxsackie .....	.....	On Reed's Dock.....	42 21 09	° ' "	73 47 46	° ' "	220 23 45 307 34 21	Wood .....	40 29 19 127 34 57	° ' "	1803 1525
Coxsackie Island....	278	Coxsackie .....	.....	J. C. Burchell.....	42 22 05	° ' "	73 47 40	° ' "	292 59 25 341 15 23	Wood .....	109 59 56 161 15 40	° ' "	1101 1338

**NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITION—(Continued).**  
**GREENE COUNTY—(Continued).**

NAME OF STATION.	No. of monu- ment.	Township.	No. of lot.	Owner's name.	Latitude	Longi- tude.	Azimuth	To station.	Dis- tance. Meters.
Four-mile Point.....	262	Coxsackie .....	....	U. S. Government. .	43 18 20	73 47 02	30 28 00 306 25 43	Railroad farm ... Sharts .....	1771 1900
Freight yard .....	264	Athens.....	....	S. & A. R. R. . . .	42 16 36	73 47 53	19 19 41 384 41 00	Merino..... Academy Hill .	4061 4069
Hollenbeck South .....	267	Athens.....	....	Martin F. Hollenbeck	43 16 17	73 49 59	201 54 22 246 32 26	Lampman ... . Sharts .....	8286 8385
Lampman .....	256	Coxsackie ...	....	Lewis Lampman ....	42 20 27	73 47 44	8 46 13 258 53 21	Merino..... Merwin .....	11967 8870
Morrison.....	260	Athens .....	....	Willie O. Morrison ..	42 15 13	73 49 41	338 40 31 234 57 00	Merino. .... Academy Hill...	2206 4369
Orchard. . . . .	178	New Baltimore..	....	R. T. Bronk.....	42 27 36	73 47 35	227 49 07 196 19 23	Ten Eyck (C. S.).. Roha Hook ..	8237 2740
Parsons .....	155	New Baltimore..	....	Frank Parsons .....	42 27 06	73 47 32	275 56 29 241 34 37	Whannel..... Bell ..	2004 2257
Railroad farm ...	263	Athens ..	....	S. & A. R. R. . . . .	42 17 36	73 47 52	50 25 56 342 50 15	Hollenbeck So... Academy Hill...	8738 5815
Stevens .....	261	Coxsackie . . . .	....	Joseph Stevens ...	43 19 19	73 47 14	234 19 17 242 34 50	Sharts .....	3037 1806
Stone House.....	245	New Baltimore..	....	Ephraim Bronk. ....	42 25 24	73 47 12	314 12 24 233 57 15	Thistle..... Van Alstyne....	1329 1496
Terry... ..	257	New Baltimore..	....	William Terry...	42 23 00	73 47 59	238 23 22 365 56 29	Merwin... .. Lampman .....	9540 4746
Vanderpoel.....	181	New Baltimore..	....	Andrew Vanderpoel	42 26 27	73 47 17	228 53 11 166 07 40	Whannel. .... Parsons ..	2039 1314

Van Slyck .....	104	New Baltimore..	.....	Phillip V. B. Vanslyck	42 23 40	° ' "	73 47 55	° ' "	8 21 00 320 20 42	Terry .....	183 20 57 140 27 20	1427 2015
Vineyard .....	200	Coxsackie .....	.....	Lewis Lampman ....	42 20 12	° ' "	73 47 22	° ' "	204 19 33 354 14 44	Judson .....	114 20 25 174 14 40	1942 1941
ATHENS.												
D. R. church .....	.....	Athens.....	.....	.....	42 15 46	° ' "	73 48 43	° ' "	8 43 05 306 51 12	Merino .....	188 42 50	3216
K. I. Co.'s chimney .....	.....	Athens.....	.....	Knickerbocker Ice Co.	42 15 53	° ' "	73 48 19	° ' "	205 03 41 208 23 33	Freight yard....	25 03 59 118 24 19	1420 1776
P. E. church .....	.....	Athens.....	.....	.....	42 15 52	° ' "	73 48 28	° ' "	12 41 49 204 26 06	Merino .....	193 41 25 114 26 55	2459 1959
School-house cupola (Dist. No. 1).	.....	Athens. ....	.....	.....	42 16 14	° ' "	73 48 17	° ' "	14 55 03 322 34 53	Merino .....	194 54 32 142 36 01	4166 3793
-----: 0:-----												
Bogardus house, east gable..	.....	Coxsackie .....	.....	Anth. E. Bogardus..	42 22 10	° ' "	73 47 59	° ' "	287 33 48 338 32 15	Coxsackie Island Bogardus .....	107 34 01 158 32 16	463 92
Bronk's barn cupola .....	.....	New Baltimore..	.....	Ephraim Bronk .....	42 25 51	° ' "	73 47 18	° ' "	316 32 38 244 21 11	Thistle.....	136 33 11 64 21 51	1594 1500
Clow's barn flag pole.....	.....	Coxsackie ....	.....	Mr. Clow.....	42 18 13	° ' "	73 47 41	° ' "	217 41 03 209 51 15	Judson .....	37 42 07 119 52 19	3613 2513
COXSACKIE.												
K. I. Co.'s flag pole....	.....	Coxsackie .....	.....	Knickerbocker Ice Co.	42 20 47	° ' "	73 47 31	° ' "	202 18 13 171 09 40	Wood .....	22 18 38 351 09 21	2157 4160
Light-house ...	.....	New Baltimore..	.....	U. S. Government...	42 22 46	° ' "	73 47 43	° ' "	325 18 23 15 16 10	Wood .....	145 19 06 185 16 01	1999 1231
M. E. church tower .....	.....	Coxsackie .....	.....	.....	42 20 57	° ' "	73 47 54	° ' "	218 17 07 178 00 31	Wood .....	38 17 48 358 00 29	2210 2167
Noble's brick-yard chimney..	.....	Coxsackie .....	.....	Mr. Noble.....	42 21 40	° ' "	73 48 13	° ' "	234 45 52 203 50 09	Wood .....	77 46 45 23 50 20	1850 900
P. E. church.....	.....	Coxsackie .....	.....	.....	42 21 09	° ' "	73 48 14	° ' "	233 27 21 191 48 33	Wood .....	53 28 14 11 48 44	2281 1816
R. C. church (cross) .....	.....	Coxsackie .....	.....	.....	42 20 56	° ' "	73 47 46	° ' "	214 02 47 173 10 30	Wood .....	34 03 22 353 10 23	2114 2198

# NEW YORK STATE SURVEY. — PRELIMINARY GEOGRAPHICAL POSITIONS — (Continued).

## GREENE COUNTY — (Continued).

NAME OF STATION.	Township.	No. of loc.	Longi- tude	To station.	Back Azimuth.	Dis- tance. Meters.
<b>COXSACKIE.</b>						
Reformed church....	Coxsackie .....	...	73 47 54	Hogardus .....	356 45 23	2285
				Nutter Hook .....	86 32 11	1106
Upper village Reformed c —; o; —	Coxsackie .....	...	73 49 19	Lampman .....	126 47 09	3309
				Terry .....	37 06 37	3940
4-mile Point light-house. ....	Coxsackie .....	...	73 47 08	4-mile Point .....	279 33 28	3
						...
<b>NEW BALTIMORE.</b>						
Baptist church.....	New Baltimore..	...	73 47 25	Vanderpoel .....	162 00 17	598
				Hotaling Island .....	65 57 46	716
Dutch Reformed church.....	New Baltimore..	...	73 47 21	Vanderpoel .....	169 16 52	511
				Hotaling Island .....	58 36 31	606
Methodist Episcopal church.	New Baltimore..	...	73 47 13	Vanderpoel .....	173 14 02	783
				Hotaling Island .....	62 54 26	501
Riverside House, sum. house flag pole.	New Baltimore..	...	73 47 14	Bell .....	40 08 59	2435
				Whannel .....	71 08 26	1762
Ship yard, chimney of.....	New Baltimore..	...	73 47 19	Vanderpoel .....	194 09 00	750
				Whannel .....	66 44 41	1806

## HERKIMER COUNTY.

BAETO .....	26	Fairfield .....	24	S. C. Wilson .....	43 07 48	74 53 26	66 19 21	Merry .....	248 07 44	24838
							100 53 01	Schuyler .....	220 43 44	15743
Getman.....	204	German Flata. ..	6	William Getman. ..	42 59 18	75 01 45	119 05 11	Merry .....	298 59 16	13474
							180 14 54	Jackson .....	00 14 56	12197
Herkimer.....	208	Herkimer .....	...	Elias Seymour.....	43 01 35	74 56 57	57 01 38	Getman .....	236 58 22	7790
							140 53 51	Jackson .....	320 49 36	10256
Ilion ..	Bottle	Ilion village..	...	Mr. Deebach .....	43 00 34	75 01 54	264 19 11	Herkimer .....	74 22 34	6997
							555 14 23	Getman .....	175 14 34	2386

Jackson.....	206	Herkimer.....	8	Washington Jackson	43 05 53	75 01 43	94 28 48 194 34 47	Merry..... Schuyler.....	244 22 51 314 31 10	18103 10076
Little Falls ..	209	Little Falls..	20	Wm. Nelson.....	43 02 58	74 51 40	31 34 52 111 41 07	Shoemaker..... Jackson.....	211 30 57 291 34 16	7230 14679
Merry.....	202	Frankfort.....	8	Melvin B. Merry. ...	43 02 50	75 10 25	163 43 41 87 12 13	Williams..... Prospect... ..	343 41 41 267 01 05	14290 22127
or Ostrander ....	211	Danube.....	20	John Lipe.....	42 57 24	74 48 27	79 38 38 160 43 30	Yule..... Barto .....	259 34 51 340 40 06	7680 20422
Schuyler.. ..	203	Schuyler.....	16	Patrick McManus...	43 09 42	75 07 01	20 01 21 96 24 14	Merry..... Williams. ....	199 59 01 276 19 53	13542 8677
Shoemaker .....	210	Little Falls .....	....	Daniel Shoemaker..	42 59 38	74 54 27	185 14 41 353 36 44	Barto ... .. Yule.....	5 15 23 173 37 03	15180 5563
Yule .....	207	Stark .....	19	James Yule.....	42 56 39	74 54 00	143 54 40 132 03 20	Schuyler..... Barto ... ..	323 45 47 2 08 44	29837 20870
Dutch settlement Union ch.	....	Schuyler ..	....	.....	40 03 49	75 04 43	327 26 16 334 14 57	Illon .....	147 28 12 154 16 59	7135 9294
Fairfield.										
Academy .....	....	Fairfield .....	....	.....	43 08 16	74 54 49	294 47 59 330 46 10	Barto .....	114 48 55 160 46 15	2063 315
M. E. church.....	....	Fairfield .....	....	.....	43 08 12	74 54 53	297 00 12 65 13 40	Fairfield. P. E. ch. Jackson.....	117 00 20 245 09 00	333 10196
P. E. church.....	....	Fairfield .....	....	.....	43 08 08	74 54 42	283 57 08 66 30 07	Barto..... Jackson.....	108 58 00 245 25 19	1817 10380
Presbyterian ch. or town hall	.....	Fairfield .....	....	...	43 08 17	74 55 01	304 12 37 63 59 17	Fairfield P. E. ch. Jackson.....	124 12 50 243 54 42	524 10110
Frankfort M. E. church.....	.....	Frankfort .....	....	.....	43 02 17	75 04 14	314 50 58 328 32 54	Illon ... .. Getman.....	124 52 34 148 34 35	4483 6470
Herkimer.										
Court-house ..	.....	Herkimer.....	....	.....	43 01 43	74 59 23	273 57 19 35 40 52	Herkimer..... Getman... ..	93 58 59 215 39 15	3330 5506
D. B. church .....	.....	Herkimer.....	....	.....	43 01 43	74 59 26	273 52 43 35 10 59	Herkimer... .. Getman.....	93 14 25 215 09 24	3383 5473

# NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITIONS—(Continued).

## HERKIMER COUNTY—(Continued).

NAME OF STATION.	No. of monu- ment.	Township.	No. of lot.	Owner's name.	Latitude	Longi- tude.	Azimuth.	To station.	Back azimuth.	Dis- tance. Meters.
HERKIMER.										
M. E. church .....	...	Herkimer..	....	.....	° ' " 43 01 31	° ' " 74 59 22	° ' " 267 30 46 38 21 08	Herkimer..... Getman.....	° ' " 87 32 25 218 19 30	3292 5228
R. C. church.....	.....	Herkimer.....	...	.....	43 01 38	74 59 13	271 10 39 38 43 53	Herkimer..... Getman.....	91 12 12 218 42 09	3080 5520
School-house.....	.....	Herkimer.....	....	.....	43 01 40	74 59 15	272 17 27 37 57 30	Herkimer..... Getman.....	92 19 01 217 55 47	3128 5539
ILION.										
Presbyterian church.....	.....	German Flats....	....	.....	43 00 46	75 02 22	300 20 33 343 05 18	Ilion..... Getman.....	120 20 52 163 05 42	733 2851
St. Mary's church (R. C.)....	.....	German Flats .	....	.....	43 00 40	75 01 47	359 15 14 43 30 18	Getman..... Ilion.....	179 15 15 223 30 13	2530 237
LITTLE FALLS.										
Baptist church... ..	.....	City of Little Falls.	....	.....	43 02 34	74 51 28	38 50 52 159 48 55	Shoemaker..... Little Falls.....	216 48 49 339 48 46	6781 781
M. E. church .....	.....	City of Little Falls.	....	.....	43 02 33	74 51 30	86 37 04 164 37 47	Shoemaker..... Little Falls.....	216 35 03 344 37 41	6719 795
P. E. church.....	.....	City of Little Falls.	....	.....	43 02 37	74 51 22	299 31 59 37 14 06	Willett..... Shoemaker.....	119 38 42 217 12 00	15388 6944
Presbyterian church.....	.....	City of Little Falls.	....	.....	43 02 42	74 51 34	184 44 43 165 59 28	Shoemaker..... Little Falls.....	214 42 45 345 59 24	6882 520
R. C. church (old).....	.....	City of Little Falls.	....	.....	43 02 40	74 51 10	38 37 33 129 24 18	Shoemaker..... Little Falls.....	218 35 18 309 23 58	7170 878



R. C. church (new). (Church of the Assumption.)	.....	City of Little Falls.	...	.....	43 02 30	74 51 14	" " " "	34 38 14 134 40 09	Phoenixker..... Little Falls.....	218 38 00 318 45 52	7023 801
Universalist church.....	.....	City of Little Falls.	.....	.....	43 02 34	74 51 27	" " " "	96 50 53 157 50 09	Phoenixker..... Little Falls.....	216 54 50 337 50 01	0803 730
-----:0:-----											
MORAWK.											
D. R. church.....	.....	German Flats.....	...	.....	43 00 35	75 00 21	" " " "	29 43 26 80 39 22	Getman..... Illon.....	218 42 29 219 38 19	8038 2008
M. E. church . . . . .	.....	German Flats.....	.....	.....	43 00 42	75 00 12	" " " "	39 23 14 54 28 50	Getman..... Illon.....	219 22 10 284 25 40	3342 2227
Universalist church.....	.....	German Flats.....	.....	.....	43 00 38	75 00 31	" " " "	84 12 27 86 26 48	Getman..... Illon.....	214 11 30 263 25 51	2803 1881
Paines Hollow M. E. church.	.....	Little Falls.....	..	.....	42 57 38	74 54 15	" " " "	273 05 04 248 57 44	Ostrander..... Yule.....	83 09 01 163 57 54	7309 1845
Russia Union church . . . . .	.....	Russia.....	..	.....	43 15 27	75 04 49	" " " "	212 28 21 15 35 54	Barto... Schuyler.....	132 36 09 195 34 24	20336 11047
West Schuyler M. E. church.	.....	Schuyler.....	.....	.....	43 05 54	75 09 11	" " " "	16 25 30 74 43 43	Merry..... Devereux.....	196 24 40 254 39 48	5025 8039

MADISON COUNTY.

FENNER.....	130	Fenner.....	29	Orville E. Wormuth.	42 57 22	75 44 37	" " " "	96 04 01 131 23 29	Howlett Hill..... Gilbertsville.....	275 41 37 311 00 45	44887 59888
Allis.....	121	Lenox.....	3	Joel Allis.....	43 05 16	75 48 08	" " " "	53 17 18 50 46 10	Eagle..... Kirkville.....	233 12 29 280 40 38	11980 11221
Bulger.....	112	Lenox.....	6	Edward Bulger.....	43 03 54	75 40 01	" " " "	103 01 38 57 08 36	Allis..... Cranson.....	282 56 06 237 04 29	11303 9766
Canastota.....	143	Lenox.....	1	James C. New.....	43 04 19	75 44 22	" " " "	109 09 17 20 46 24	Allis..... Cranson.....	289 06 42 200 45 15	5416 6489
Cranson.....	122	Lenox.....	29	Asa Cranson.....	43 01 02	75 48 04	" " " "	93 09 24 100 14 29	Eagle..... Allis..	273 03 10 340 13 04	12443 8334
Eaton.....	139	Stockbridge.....	3	Ozias A. Eaton.....	43 01 42	75 33 21	" " " "	157 22 21 62 25 50	Vlenna..... Fenner.....	337 17 14 242 18 06	26273 17399
Bridgeport M. E. church . . . . .	.....	Sullivan.....	.....	.....	43 09 21	75 58 14	" " " "	344 23 54 312 53 23	Eagle..... Cranson.....	164 25 58 133 08 41	15288 22584

NEW YORK STATE SURVEY. — PRELIMINARY GEOGRAPHICAL POSITION — (Continued).

MADISON COUNTY — (Continued).

NAME OF STATION.	No. of monument.	Township.	No. of lot.	Owner's name.	Latitude	Longitude.	Azimuth.	To station.	Back azimuth.	Distance. Meters.
Canastota Baptist church....	.....	Lenox.....	....	.....	° ' " 43 04 27	° ' " 75 45 10	° ' " 10 55 55 282 49 57	Cranson..... Canastota... ..	° ' " 190 55 19 102 50 30	6430 1109
Canastota Free church .....	.....	Lenox.....	....	.....	43 04 40	75 45 13	9 43 53 299 31 15	Cranson..... Canastota.....	189 43 18 119 31 49	6816 1320
Canastota M. E. church....	.....	Lenox.....	....	.....	43 04 50	75 45 21	7 44 12 305 33 25	Cranson..... Canastota... ..	187 43 44 125 34 08	7093 1654
Free Methodist church, near Chittenango Station.	.....	Sullivan.....	....	.....	43 05 14	75 52 25	28 13 56 311 56 39	Eagle .. Cranson.....	208 12 01 132 00 59	8096 11594
Fyler Wesleyan Meth. church	.....	Sullivan.....	....	.....	43 05 39	75 54 52	3 25 34 37 53 32	Eagle... .. Kirkville.....	183 25 20 217 52 33	7879 8175
Oneida Baptist church.....	.....	Lenox.....	....	.....	43 05 36	75 39 08	21 09 02 71 37 16	Bulger .. Canastota ..	201 08 25 251 33 41	3355 7490
Oneida Opera House dome..	.. ..	Lenox .....	....	.....	43 05 43	75 39 12	13 23 31 69 49 07	Bulger .. Canastota.....	198 25 57 249 45 35	3523 7471
Oneida Presbyterian church.	.....	Lenox.....	....	.....	43 05 37	75 39 08	20 41 33 71 19 30	Bulger .. Canastota ..	200 40 57 251 15 56	3333 7486
Perryville P. E. church .....	.....	Fenner.....	....	.....	43 00 23	75 47 59	130 04 47 100 54 09	Gilbertsville .. Eagle.....	309 44 21 280 49 13	52739 9996
Quality Hill Presb. church ..	.....	Lenox.....	....	.....	43 04 02	75 46 35	137 33 13 259 56 52	Allis .. Canastota ..	317 32 09 79 53 23	3127 3053
Ridgeville Presb. church .....	.....	Lenox.....	....	.....	43 07 56	75 47 31	351 13 50 327 27 22	Cranson..... Canastota ..	171 14 49 147 29 31	12902 7923
Wampsville Presb. church....	.. ..	Lenox.....	..	.....	43 04 23	75 42 22	72 00 41 283 13 05	Eagle .. Bulger ..	251 51 55 103 14 41	13326 3393

# MONTGOMERY COUNTY.

No. 94.]

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Black .....	Pot.	Amsterdam .....	...	Robert Black... ..	42 53 41	74 10 00	.....	Glen.....	232 08 12	16145
Bronk.....	Pot.	Amsterdam.....	...	Philip Bronk.....	42 53 50	74 05 31	.....	Waterstreet.....	148 13 12	18000
Dougall.....	Pot.	Florida.....	...	James Dougall .....	42 53 08	74 07 17	257 31 24	Waterstreet . . .	108 55 58	0577
Ephratah .....	217	Palatine.....	97	Frederick Rickard..	42 53 20	74 31 29	300 01 13	Dougall.....	199 12 37	7344
Falling.....	219	Palatine.....	...	John A. Falling .....	42 55 23	74 33 23	91 33 18	Van Atten.....	77 36 14	0901
Glen .....	30	Glen .....	...	L. Clement .....	42 53 19	74 19 22	120 38 01	Waterstreet .....	120 03 20	4921
Mapleton .....	213	Canajoharie. ....	...	Nicholas Van Evera. .	42 49 47	74 33 15	99 59 57	Willett.....	271 26 29	13227
Nellis .....	214	St. Johnsville.....	...	Alfred Nellis .....	42 53 44	74 37 17	117 08 19	Barto .....	300 23 02	34571
Oak Ridge .....	23	Charleston .....	...	Thomas Newman ...	42 47 25	74 19 16	229 00 27	Ostrander. ....	279 48 41	20818
Reman.....	215	Canajoharie .....	...	Casper Reman. ....	42 53 46	74 35 47	143 56 28	Willett.....	297 02 47	12422
Romeyn .....	Pot.	Amsterdam.....	...	Thomas Romeyn....	42 54 39	74 05 07	124 21 04	Galway.....	49 11 56	30291
Willett. ....	213	Minden .....	8	William Zimmerman	42 53 31	74 41 31	145 15 41	Royal Hill.....	323 48 29	26976
Amsterdam Academy .....	.....	Amsterdam.....	...	.....	42 56 31	74 11 24	85 59 08	Ostrander.....	304 10 43	25037
Amsterdam R. C. church sp.	.....	Amsterdam.....	...	.....	42 56 09	74 11 13	111 22 41	Willett.....	325 10 04	19696
Charleston Four Cor. ch twr.	...	Charleston.....	...	.....	42 48 48	74 24 41	138 30 11	Willett.....	265 56 09	5768
Glen Dutch Ref. church sp.	.....	Glen.....	...	.....	42 53 38	74 20 27	111 52 59	Jackson.....	291 36 19	25721
								Helderberg .....	125 33 54	31334
								Galway.....	36 36 29	86286
								Ostrander.....	291 14 03	18515
								Willett.....	318 26 17	11764
								Waterstreet.....	166 12 17	5497
								Dougall.....	225 41 36	4118
								Ostrander.....	257 32 27	9689
								Barto.....	316 40 29	23610
								Waterstreet.....	131 50 42	13220
								Glen.....	241 13 15	12345
								Waterstreet.....	129 39 28	12463
								Glen.....	245 24 50	12189
								Babcock .....	149 48 50	23729
								East Hill.....	261 20 51	24121
								Royal Hill.....	325 42 42	25633
								Glen.....	111 49 16	1601

**NEW YORK STATE SURVEY. — PRELIMINARY GEOGRAPHICAL POSITIONS — (Continued).**  
**MONTGOMERY COUNTY — (Continued).**

NAME OF STATION.	No. of monu- ment.	Township.	No. of lot.	Latitude	Longi- tude	Azimuth.	To station.	Back Azimuth.	Dis- tance. Meters.
Scotch U. Pres. church spire.	.....	Florida.....	.....	42 52 15	74 08 05	° ' "	Water street..... Van Allen.....	° ' " 99 46 21 71 09 10	5417 11560

**ONEIDA COUNTY.**

Florence.....	133	Florence.....	105	43 23 13	75 30 33	50 03 43 27 40 22	Howlett Hill ... Eagle .....	220 37 49 207 23 42	57009 45563
Star Hill.....	137	Stauben.....	300	43 20 41	75 15 01	47 37 39 72 49 52	Bulger .....	227 20 22 252 32 10	45050 38512
Tassel Hill.....	29	Marshall.....	98	42 56 25	75 18 57	220 17 06 255 53 05	East Hill..... Royal Hill.....	109 42 07 76 25 46	53123 67001
Devereux.....	201	New Hartford ...	2	43 04 45	75 14 56	191 44 07 300 09 09	Williams .....	11 45 11 120 12 12	10551 7070
Prospect.....	117	Kirkland .....	...	43 02 14	75 26 42	90 43 08 140 36 38	Bulger .....	279 39 02 230 26 59	18954 30134
Rome .....	143	Rome .....	3	43 14 01	75 23 00	26 17 53 94 48 45	Fenner.....	216 06 31 274 39 58	38304 17417
Vienna.....	139	Vienna.....	57	43 14 48	75 40 49	38 18 24 9 07 07	Eagle.....	215 06 34 159 04 31	81557 32578
Williams....	205	Marcy .....	.....	43 10 14	75 13 22	109 37 55 50 45 40	Rome .....	229 27 54 220 35 34	21014 23304
<b>CHURCHVILLE.</b>									
German Lutheran church, (east one)	.....	Verona.....	.....	43 11 20	75 34 18	355 53 39 23 57 44	Eaton .....	175 54 18 206 53 49	13142 10025
German Lutheran church, (west one).	.....	Verona.....	.....	43 11 26	75 34 23	125 41 24 28 47 27	Vienna..... Bulger.....	305 35 00 263 43 35	10717 15883

Seven-day Baptist church ...	Verona.....	.....	43 11 20	75 34 34	327 38 53 127 08 31	Prospect..... Vienna.....	147 44 15 307 04 14	19954 10028
—: o :—								
Deerfield Corners Bapt. ch..	Deerfield.....	.....	43 08 50	75 12 10	44 21 23 276 55 51	Devereux..... Jackson.....	224 19 30 97 02 59	5370 14277
Deerfield Corners St. Peter's church (R. C.).	Deerfield.....	.....	43 08 57	75 12 39	37 08 09 170 48 41	Devereux..... Williams.....	217 08 35 350 48 12	5117 6123
Durhamville Baptist church.	Verona.....	.....	43 07 04	75 40 12	48 03 19 357 42 34	Canastota..... Bulger.....	228 00 28 177 42 40	7614 5890
Durhamville Ger. Cath. ch...	Verona.....	.....	43 07 08	75 40 00	47 37 36 358 13 14	Canastota..... Bulger.....	227 34 43 178 13 20	7731 5080
Fish Creek Union church ...	Vienna.....	.....	43 13 11	75 41 58	207 28 07 351 15 30	Vienna..... Bulger.....	27 28 55 171 16 50	3376 17379
Floyd Corners M. E. ch.....	Floyd.....	.....	43 13 08	75 20 08	325 21 30 23 50 48	Merry... Prospect. . .	145 28 08 203 46 18	23176 22074
Hamilton Col. chap. dome...	Kirkland.....	.....	43 03 06	75 24 23	228 28 33 271 22 32	Williams..... Merry.....	48 34 04 91 32 04	19933 18955
Higginsville Presb. ch.....	Verona.....	.....	43 10 33	75 38 42	160 00 32 8 16 35	Vienna..... Bulger.....	339 59 05 188 15 41	8370 12437
North Gage Union ch.....	Deerfield.....	.....	43 13 22	75 07 14	298 43 09 357 28 36	Barto..... Schuyler.. .	118 52 35 177 28 45	21338 6771
New York Mills M. E. ch ...	New Hartford...	.....	43 06 11	75 17 38	302 22 28 59 14 47	Merry..... Prospect.....	122 27 24 239 08 36	11597 14317
Onelda Castle Presb. ch.....	Verona.....	.....	43 04 44	75 38 08	286 36 21 310 49 26	Prospect..... Eaton.....	106 44 00 180 52 42	16207 8590
ROME.								
Baptist church.....	Rome.....	.....	43 12 57	75 27 35	100 53 07 45 16 24	Vienna..... Bulger.....	280 44 03 225 07 53	18245 23774
First M. E. church.....	Rome.....	.....	43 12 57	75 27 32	100 49 17 45 20 56	Vienna..... Bulger.....	280 40 11 225 12 24	18297 23820
German Catholic church.....	Rome.....	.....	43 12 47	75 27 35	101 53 22 45 48 14	Vienna..... Bulger.....	281 44 19 225 89 44	18293 23535

# NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITIONS—(Continued).

## ONEIDA COUNTY—(Continued).

NAME OF STATION.	No. of monument.	Township.	No. of lot.	Owner's name.	Latitude	Longitude.	Azimuth.	To station.	Distance. Meters.
<b>ROME.</b>									
Presbyterian church .....	.....	Rome .....	.....	.....	43 19 48	75 27 26	101 37 39 48 08 26	Vienna .....	18519 26733
St. Joseph's church (R. C.)...	.....	Rome .....	.....	.....	43 12 27	75 27 48	103 56 24 173 51 41	Vienna .....	18206 20492
Welsh Presbyterian church.....	.....	Rome .....	.....	.....	43 12 51	75 27 35	101 23 04 165 29 21	Vienna..... Rome .....	18992 22214
<b>UTICA.</b>									
City Hall.....	.....	City of Utica ..	.....	.....	43 06 02	75 14 00	27 58 48 186 14 12	Devereux .....	20633 7811
First D. R. church .....	.....	City of Utica ..	.....	.....	43 06 54	75 14 16	23 49 39 188 26 33	Devereux .....	22036 2009
First M. E. church .....	.....	City of Utica ..	.....	.....	43 05 59	75 14 10	23 59 58 187 53 49	Devereux .....	2512 7914
First Presbyterian church....	.....	City of Utica ..	.....	.....	43 06 06	75 14 06	26 28 19 186 24 44	Devereux .....	2739 7096
Grace church (P. E.).....	.....	City of Utica ..	.....	.....	43 06 03	75 13 55	29 49 08 185 24 50	Devereux .....	2709 7771
St. Patrick's church (R. C.)...	.....	City of Utica ..	.....	.....	43 06 14	75 14 30	272 01 01 12 02 05	Jackson .....	17868 2797
Trinity church (P. E.).....	.....	City of Utica ..	.....	.....	43 06 08	75 13 26	38 20 45 180 42 22	Devereux .....	3247 7587
Westminster church.....	.....	City of Utica ..	.....	.....	43 06 01	75 14 06	26 16 40 186 59 29	Devereux .....	2087 7804

VERNON.									
Baptist church .....	.....	.....	.....	43 04 45	75 32 33	148 53 17 81 12 02	Vienna..... Bulger.....	328 52 37 261 08 56	21711 10265
M. E. church.....	.....	.....	.....	43 04 42	75 32 31	300 01 59 11 33 33	Prospect..... Eaton.....	120 06 37 191 37 58	9116 5653
Presbyterian church .....	.....	.....	.....	43 04 38	75 32 37	149 23 00 82 22 59	Vienna..... Bulger.....	329 22 24 262 17 55	21361 10149
Unitarian church .....	.....	.....	.....	43 04 44	75 32 30	148 54 35 81 31 23	Vienna..... Bulger.....	328 48 54 261 26 16	21733 10315
Vernon Center M. E. church,	.....	.....	.....	43 03 10	75 30 10	146 15 42 230 01 32	Vienna..... Prospect.....	328 08 26 110 03 54	25034 5025
Vernon Center Presby'n ch..	.....	.....	.....	43 03 10	75 30 07	146 08 13 230 17 38	Vienna..... Prospect.....	326 00 54 110 19 59	25373 4961
Verona M. E. church.....	.....	.....	.....	43 03 10	75 34 17	144 18 56 44 39 08	Vienna..... Bulger.....	324 14 28 224 35 08	15143 11069
Verona Presbyterian church,	.....	.....	.....	43 03 14	75 34 15	143 47 53 44 19 45	Vienna..... Bulger.....	323 43 24 224 15 48	15057 11218
Vienna M. E. church.....	.....	.....	.....	43 14 20	75 42 12	244 57 39 351 18 47	Vienna..... Bulger.....	64 58 36 171 20 16	2057 19523
Westmoreland Presby'n ch..	.....	.....	.....	43 03 55	75 24 23	247 37 19 19 56 03	Williams..... Prospect.....	67 44 45 199 54 28	16133 9230
Whitesborough Baptist ch...	.....	.....	.....	43 07 22	75 17 36	310 47 04 323 16 22	Merry..... Devereux.....	130 51 58 143 18 11	12854 6049

ONONDAGA COUNTY.

HOWLETT HILL .....	109	17	Marcellus .....	42 59 51	76 17 28	97 25 49 133 45 48	Clyde..... Victory.....	277 02 21 313 32 52	47079 35487
RIPLEY HILL.....	106	32	Spafford .....	42 47 23	76 14 28	169 53 39 93 37 10	Howlett Hill..... Niles.....	349 56 36 273 29 17	23444 15874
FABIUS ..	125	34	Fabius .....	42 48 40	76 01 17	183 18 55 199 15 47	Howlett Hill..... Eagle .....	313 07 54 19 19 55	30250 24986
Clapp .....	131	5	Pompey.....	42 53 10	76 02 21	98 42 53 151 06 36	Howlett Hill..... Gilbertsville.....	273 32 34 330 56 00	20735 43405

NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITION — (Continued).  
ONONDAGA COUNTY — (Continued).

NAME OF STATION.	No. of monu- ment.	Township.	No. of lot.	Owner's name.	Azimuth. ° ' "	To station.	Back azimuth. ° ' "	Dis- tance. Meters.
Chestnut Ridge.....	111	Salina.....	110	H. L. Holly.....	37 30 38 290 18 16	Howlett Hill..... Eagle.....	217 28 24 110 29 14	13881 22871
Cossitt.....	119	Onondaga.....	118	D. Cossitt.....	67 59 06 182 27 44	Howlett Hill Chestnut Ridge..	287 55 07 2 27 58	7996 10701
Carpenter.....	105	Onondaga.....	96	Charles Carpenter..	20 47 45 277 25 49	Howlett Hill..... Cossitt.....	200 47 31 97 29 34	1382 7644
Collamer.....	144	De Witt.....	12	John I. Furbeck.....	383 49 33 207 20 22	Clapp..... Eagle.....	173 50 21 127 26 02	14681 14180
Davison.....	128	Van Buren.....	42	E. Davison.....	2 31 09 274 09 25	Howlett Hill Chestnut Ridge..	182 30 54 94 13 24	11546 7821
Draper.....	100	Geddes.....	180	Dr. Draper.....	50 43 18 351 34 58	Howlett Hill..... Cossitt.....	230 30 42 171 45 22	9241 5628
Eagle.....	123	Manlius.....	79	Bezaliah Cass.....	126 18 32 84 42 51	Gilbertsville..... Howlett Hill.....	316 08 02 264 27 80	44329 30385
Fairmount.....	100	Camillus.....	36	James Geddes.....	223 25 21 160 33 55	Chestnut Ridge Davison.....	43 28 40 340 32 36	1719 1831
Green.....	124	De Witt.....	95	Ira Green.....	92 55 55 133 16 42	Howlett Hill. Chestnut Ridge..	272 45 18 313 10 16	21250 17567
Giles.....	114	Skaneateles.....	66	W. P. Giles.....	223 15 35 353 38 06	Howlett Hill Niles.....	43 21 34 178 28 15	17419 9431
Horsie.....	124	Skaneateles.....	45	R. R. Horsie.....	221 53 44 18 39 44	Howlett Hill..... Niles.....	41 57 10 196 37 17	10236 13287
Kingsley.....	126	Van Buren.....	22	C. H. Kingsley.....	246 46 58 286 47 35	Howlett Hill Chestnut Ridge..	176 47 21 105 53 12	13597 9630



Kirkville.....	120	Manlius .....	38	George Brown.....	43 04 18	° ' "	75 56 18	° ' "	35 56 45 344 33 20	• ' "	Clapp .....	215 52 37 104 84 10	14008 5560
Munn Davis .....	140	Lysander ....	81	L. F. Cuddeback ....	43 09 46	43 09 46	70 18 46	70 18 46	305 53 35 341 31 54	Chestnut Ridge.. Davison .....	125 58 42 161 33 02	12551 7155	
Northrup .....	133	Marcellus .....	6	J. G. Northrup & Son	43 00 02	43 00 02	76 21 27	76 21 27	188 01 03 232 20 19	Gilbertsville.... Chestnut Ridge..	8 03 30 52 27 15	34861 17444	
Olympus.....	101	Syracuse .....	187	Lucy Raynor .....	43 02 03	43 02 03	76 07 57	76 07 57	146 57 41 52 52 15	Chestnut Ridge.. Cossitt .....	328 55 25 232 49 45	8283 6237	
Seeley. ....	137	Skaneateles .....	23	M. Seeley .....	42 58 32	42 58 32	76 22 13	76 22 13	249 10 20 15 00 57	Howlett Hill.... Niles .....	69 13 84 194 58 20	6910 20339	
Sherwood .....	104	Camillus .....	48	Matthew Sherwood..	43 02 12	43 02 12	76 17 19	76 17 19	230 58 01 182 21 08	Chestnut Ridge.. Davison .....	51 02 08 2 21 15	10552 7226	
Sorrell Hill .....	110	Van Buren .....	20	J. Sears .....	43 06 50	43 06 50	76 21 25	76 21 25	337 25 25 277 57 59	Howlett Hill... Chestnut Ridge..	157 28 07 98 04 56	13980 13903	
Amboy Presb. church spire..	.....	Camillus .....	....	.....	43 04 14	43 04 14	76 16 19	76 16 19	247 06 57 162 57 32	Chestnut Ridge.. Davison.....	67 10 23 842 56 59	7423 3621	
Brewerton ch., west spire ...	.....	Cicero.....	....	.....	43 14 15	43 14 15	76 08 28	76 08 28	122 55 55 344 22 40	Gilbertsville .....	302 49 28 164 26 51	15127 30885	
Brayton's barn (cup. w. w'g).	.....	De Witt .....	30	W. C. Brayton.....	43 04 13	43 04 13	76 04 49	76 04 49	49 55 43 343 18 25	Cossitt .....	229 51 05 163 20 06	12076 11676	
Collamer M. E. church.....	.....	De Witt.....	....	.....	43 06 13	43 06 13	76 03 55	76 03 55	351 49 28 42 16 00	Clapp..... Cossitt .....	171 50 33 222 10 45	15068 15540	
Fayetteville Catholic church,	.....	Manlius .....	....	.....	43 01 45	43 01 45	76 00 18	76 00 18	275 25 04 22 44 22	Eagle..... Clapp .....	95 28 32 202 42 58	6945 7206	
Fayetteville P. E. church....	.....	Manlius .....	...	.....	43 01 44	43 01 44	76 00 27	76 00 27	274 54 08 21 21 12	Eagle. .... Clapp .....	94 57 43 201 19 54	7145 7086	
Fayetteville Presb. church ..	.....	Manlius .....	....	.....	43 01 44	43 01 44	76 00 29	76 00 29	274 48 40 21 03 31	Eagle..... Clapp .....	94 52 16 201 02 14	7186 7084	
Geddes M. E. church.....	.....	Geddes.....	....	.....	43 03 05	43 03 05	76 11 26	76 11 26	2 31 42 306 23 39	Cossitt. .... Clapp.....	182 31 85 128 29 51	5714 15340	
Kirkville M. E. church.....	... ..	Manlius .....	....	.....	43 04 29	43 04 29	75 57 06	75 57 06	335 41 01 287 49 31	Eagle..... Kirkville.....	155 42 19 107 50 04	6269 1155	

NEW YORK STATE SURVEY. — PRELIMINARY GEOGRAPHICAL POSITIONS — (Continued).  
ONONDAGA COUNTY — (Continued).

NAME OF STATION.	No. of monument.	No. lot.	Owner's name.	Latitude	Longitude.	Azimuth.	To station.	Back Azimuth	Distance. Meters.
Liverpool M. E. ch. spire....	.....	...	.....	43 03 12	76 12 27	354 23 10 236 00 11	Coslett ... Chestnut Ridge.	174 23 44 116 00 59	11559 1763
Manlius Station M. E. church	.....	...	Manlius .....	43 04 40	75 59 57	313 03 13 15 03 20	Eagle . . . Clapp .....	123 12 27 195 04 42	5943 12467
No. Manlius P. Q. Bapt. ch....	.....	...	.....	43 05 56	76 38 24	20 23 45 91 43 03	Clapp .....	200 26 03	16249
No. Manlius P. O. M. E. ch....	.....	...	.....	43 06 00	75 53 22	20 27 16 90 57 16	Clapp .....	271 44 39	6003
Onondaga Hill Presb. ch.....	.....	...	Onondaga.....	43 00 11	76 11 03	67 32 56 173 16 49	Coslett . . . Chestnut Ridge .	247 32 26 353 16 40	333 10377
Pompey Hill Cath. ch .....	.....	...	Pompey .....	42 54 02	70 00 50	209 13 26 254 14 20	Eagle..... Fenner.....	23 17 16 74 25 22	15644 22206
Pompey Hill Presb. ch....	.....	...	Pompey....	42 53 57	76 00 53	209 37 43 254 03 29	Eagle..... Fenner.....	23 41 45 74 13 38	15909 23135
Silver street or St. Mary's ch	.....	...	Manlius.....	43 05 14	76 00 10	316 24 51 238 07 15	Eagle..... Kirkville. . .	136 23 14 108 09 53	9773 5355
SYRACUSE.									
First Presb. church spire...	.....	...	Syracuse . . .	43 02 53	76 09 10	31 59 40 151 56 37	Coslett ... Chestnut Ridge..	211 53 00 331 55 10	6277 6063
St. John's R. C. ch. spire.....	.....	...	Syracuse ....	43 04 05	76 09 31	20 45 33 102 55 32	Coslett . . . Davison.....	200 44 12 239 50 11	6070 10351
St. Lucy's R. C. ch. spire....	.....	...	Syracuse.....	43 02 35	76 09 47	27 35 23 161 12 00	Coslett ... Chestnut Ridge .	207 34 13 341 10 59	5304 6273
OSWEGO COUNTY.									
Amboy. ....	141	Amboy.....	94	D. Black .....	43 23 13	74 50 03 0 03 23	Gilbertville .. Eagle. . .	254 34 23 140 03 21	31304 40374

GILBERTSVILLE .....	108	Schroeppe .....	27	Elias Thomas.....	43 18 41	76 17 51	67 40 58 850 08 26	Victory..... Howlett Hill.....	247 28 15 179 08 42	27141 84855
Cleveland P. E. church .....	.....	Constantla.....	.....	.....	43 14 01	75 52 50	7 31 32 838 44 23	Eagle..... Cranston.....	187 29 59 153 49 05	23544 25763
Constantla Presb. church.....	.....	Constantla.....	.....	.....	43 14 53	76 00 11	344 52 07 5 24 44	Eagle..... Clapp .....	164 55 31 185 23 15	25908 31135
Central Square ch. spire.....	.....	Hastings.....	.....	.....	43 17 12	76 08 48	827 43 81 6 52 07	Eagle..... Gossitt .....	147 52 49 186 50 11	84580 32056
Falley academy, Fulton .....	.....	Volney.....	.....	.....	43 19 17	76 24 43	276 53 59 383 27 45	Gilbertsville..... Cossitt .....	98 58 49 153 38 42	9353 30875

OTSEGO COUNTY.

EAST HILL.....	26	Cherry Valley.....	.....	Albert Stiles.....	42 46 51	74 42 11	239 15 43 286 33 43	Galway..... Helderberg .....	59 42 44 107 01 56	62631 59343
Richfield Springs obs'tory.....	.....	Richfield.....	.....	.....	42 50 29	74 56 55	232 18 15 283 28 12	Royal Hill..... East Hill .....	52 36 52 108 38 12	44329 21181

RENSSELAER COUNTY.

RAFINESQUE .....	U.S.C.S.	Brunswick. ....	...	J. H. Hayner .....	42 47 20	73 36 59	61 03 53	Helderberg... ..	249 47 50	36966
YELLOW PINE.....	U.S.C.S.	Schodack.....	.....	N. Featherley .....	42 29 27	73 40 28	182 08 08	Hallenbeck (C.S.)	2 08 16	11964
YELLOW PINE.....	150	Schodack .....	...	N. Featherley. ....	42 29 29	73 40 27	26 21 51	Yell'w Pine (C.S.)	208 21 50	50
Ball Grounds.....	230	East Greenbush.	.....	.....	42 38 37	73 44 46	59 28 55 303 16 41	Greenbush ferry. St. John's R.C.ch	239 28 48 123 16 58	477 671
Bath.....	190	No. Greenbush..	...	Paul S. Forbes .....	42 39 34	73 43 54	135 41 35 59 41 48	Ferris..... Cathedral .....	315 40 41 239 40 39	2597 2689
Campbell's Island.....	163	Schodack .....	.....	On Campbell's Isl'nd.	42 33 16	73 45 06	290 48 40 183 49 56	Van D'n'b'gh (b't) Muller .....	100 49 17 3 49 59	1291 1805
Castleton .....	167	Schodack .....	.....	Roadside .....	42 32 10	73 45 15	113 09 38 55 49 05	Vanderzee (bolt). Baker .....	293 08 51 235 48 34	1719 1268
Clapper .....	161	Schodack .....	.....	B. Clapper ....	42 30 58	73 45 44	72 00 33 161 55 46	Vrooman .....	251 59 46 341 55 18	1689 3023

# NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITIONS—(Continued).

## RENSSELAER COUNTY—(Continued).

NAME OF STATION.	No. of monument.	Township.	No. of lot.	Owner's name.	Latitude.	Longitude.	To station.	Back azimuth.	Distance. Meters.
Cooper.....	164	East Greenbush.	....	S. end of Papacane L.	42 35 00	73 45 14	Parke Van Wie.	322 19 00. 202 36 46	1910 581
Denison.....	165	East Greenbush.	...	Burton H. Denison.	42 38 49	73 45 22	Teller..... Westerlo Island.	113 03 53 334 42 31	1683 1021
Forbes.....	191	North Greenbush	...	Paul S. Forbes.....	42 40 07	73 43 13	Ferris..... Cathedral .....	287 20 47 334 03 29	2660 4019
Grandview.....	149	East Greenbush.	....	Roadside ....	42 35 54	73 43 57	Hallenbeck (C.S.) Van Denb'h (b't).	89 50 51 183 16 16	5210 5118
Hallenbeck.....	U. S. C. S.	East Greenbush.	....	Daniel Hallenbeck ..	42 35 54	73 40 09	Yellow Pine (C.S.)	182 06 03	11984
Hallenbeck .....	161	East Greenbush.	....	Daniel Hallenbeck ..	42 35 55	73 40 09	Hallenbeck (C.S.)	128 09 00	1
Iron Works.....	233	Troy city.....	....	Erastus Corning...	42 42 22	73 41 47	Campbell ... Riley .....	263 43 29 201 00 53	3546 1341
Moles . . . . .	156	East Greenbush.	....	Marcus Moles .....	42 37 42	73 45 03	Corning... Teller .....	227 33 09 151 16 03	2232 2706
Mount Olympus .....	245	Troy city .....	...	Bet. 2d, 3d and North streets.	42 44 39	73 41 02	Lausling .....	252 33 34 177 57 17	2791 1673
Muller. ....	159	Schodack.....	....	P. L. Muller.....	42 34 15	73 45 01	Grandview .. Van Denb'h (b't).	25 08 37 150 42 14	3387 2343
Mull's Island. ....	175	Schodack.....	....	On Mull's Island....	42 28 25	73 47 06	Roha Hook ... Orchard .....	840 21 56 304 38 46	1238 1656
Mull's Point .. .	173	Schodack.....	....	On Mull's Point.	42 29 16	73 47 01	Mull. .... Roha Hook .....	355 47 29 233 13 31	1142 649

Papacane Island.....	168	East Greenbush .	....	On Papacane Island,	° ' "	° ' "	Teller.....	° ' "	2149
Railway.....	231	North Greenbush	....	N. Y. C. & H. R. R....	42 41 10	73 45 30	Denison .....	63 03 44 5 55 31	1717
Riley.....	232	North Greenbush	....	Phillip Riley... ..	42 41 41	73 42 09	Ferris .....	252 19 23 209 54 10	3704 3440
Rysedorph.....	U.S.C.S.	East Greenbush .	....	William Rysedorph..	42 37 35	73 43 11	Bath . .....	180 39 33 124 39 57	7728 3020
Rysedorph.....	2	East Greenbush .	...	William Rysedorph..	42 37 35	73 43 12	Rysedorph.....	126 43 10 189 15 34	5188 8335
Schodack Island.....	172	Schodack .....	...	On Island.....	42 30 25	73 46 22	Seward.....	141 41 00	2
Seward.....	187	North Greenbush	....	Hiram Seward.....	42 40 29	73 39 47	Mull.....	224 40 46 111 51 32	1391 1025
St. Joseph .....	241	Troy city.. ..	....	St. Joseph's Semin'y,	42 43 45	73 41 01	Traver (U.S.C.S.),	183 22 11 220 56 12	9483 7105
Teller . .....	148	East Greenbush .	....	Jacob V. B. Teller...	42 36 25	73 44 06	Rysedorph (C.S.),	102 32 40	32
Ten Eyck .....	U.S.C.S.	Schodack .....	....	C. H. Lent .....	42 28 46	73 45 50	Hallenbeck (C.S.),	29 56 23 99 46 52	2504 5490
Ten Eyck .....	182	Schodack .....	....	C. H. Lent . .....	42 28 46	73 45 50	Traver (U.S.C.S.),	5 02 13	2632
Traver .....	U.S.C.S.	Schodack . .....	....	R. S. Van Denburgh,	42 30 13	73 45 40	Ten Eyck .....	255 06 00	1
Traver .....	152	Schodack ..	....	R. S. Van Denburgh,	42 30 13	73 45 40	Yellow Pine (C.S.)	101 18 21 20 45 44	7257 5737
Van Denburgh .....	Bolt .....	Schodack .....	....	Ed. B. Van Denburgh	42 33 08	73 44 10	Van Denb'h (b't),	271 24 00	1
Van Denburgh .....	153	Schodack .....	....	Ed. B. Van Denburgh	42 33 07	73 44 10	Traver (U.S.C.S.),	143 28 24 47 03 57	8503 7531
Van Rensselaer.....	186	North Greenbush	....	Thomas Robbins.....	42 39 01	73 43 39	Van Denb'h (b't),	5 48 44	36
							Ferris .....	323 02 41	3607
							Cathedral.....	262 54 09	2636

NEW YORK STATE SURVEY — PRELIMINARY GEOGRAPHICAL POSITION — (Continued).  
 RENSSELAER COUNTY — (Continued).

NAME OF STATION.	No. of monu- ment.	Township.	No. of loc.	To station.	• ' "	Dis- tance. Meters.
Castleton D. R. church ..	.....	Schodack .....	....	underzee (bolt), rooman .....	307 06 28 222 10 17	1796 8126
Coeyman's Dike Light-house.	.....	Schodack .....	....	Richard .....	203 06 07 126 30 17	1786 1980
Cow Island Light-house....	.....	Schodack .....	....	underzee (bolt), rooman ..	229 51 27 216 17 02	1536 8570
East Albany, St. John's R. O. church.	... ..	Greenbush.....	....	in Rensselaer.. reenbush Ferry	41 18 09 277 23 09	1477 990
East Greenbush D. R. ch ....	.....	East Greenbush.	....	reedorph (C.S.), and view... ..	229 26 09 233 26 09	4556 2389
East Greenbush M. E. ch ....	.....	East Greenbush..	...	reedorph (C.S.), and view.....	338 51 26 294 04 25	4648 2988
Greenbush Presb. church.....	.....	East Greenbush..	...	arning .....	217 07 09 160 08 28	2855 3425
Nine-mile Tree Light-house.	.....	Schodack .....	..	rooman .....	243 13 07 343 42 29	1827 481
Olcott's house, cupola of ...	.....	East Greenbush..	...	reedorph (C.S.), allenbeck (C.S.),	174 15 09 130 35 33	607 5543
Schodack chan. Light-house,	.....	Schodack .....	....	aver (U. S. C. S.), in Eyck (C. b.).	68 89 27 149 00 36	1688 2297
Schodack Landing, flag pole on Knickerbocker log house,	.....	Schodack .....	....	Richard .....	227 16 27 314 00 33	2142 1835
Schodack Landing D. R. ch..	.....	Schodack .....	....	aver (U. S. C. S.), in Eyck (C. S.).	16 11 28 94 14 04	2741 630

[illegible]

## SARATOGA COUNTY:

GALWAY.....	17	Galway.....	....	Sarah Ingerson.....	48 04 04	74 02 36	356 53 02 311 29 59	Helderberg..... Rafinesque.....	176 54 22 131 47 26	49021 46832
Ambler.....	16	Greenfield.....	....	Charles E. Ambler...	43 05 35	73 51 09	79 47 29 80 39 48	Galway .. Van Atten....	259 30 40 210 33 35	15789 24327
Balley.....	19	Saratoga.....	....	James Bailey.....	43 04 08	73 39 18	.....	Galway .. Helderberg....	269 37 09 210 31 47	31029 57057
Ballston .....	20	Ballston.....	....	Village lot.....	43 00 48	73 51 03	822 25 50 46 06 24	Rafinesque .. Van Atten .....	142 35 25 226 00 07	31447 17414
Knox.....	Pot.	Galway.....	....	Wm. Knox.....	42 59 07	74 05 48	.....	Water street .. Dougall.....	171 07 37 190 52 36	13738 11310
Saratoga.....	21	Saratoga Springs,	....	Village lot.....	43 04 06	73 47 23	43 53 57 89 54 29	Van Atten..... Galway ..	223 50 11 269 44 06	25242 20848
Burnt Hills Baptist church..	.....	Ballston.....	....	.....	42 54 24	73 53 48	...	Water street. . Van Atten.....	251 11 12 263 27 32	15017 8808
Burnt Hills Christian church,	.....	Ballston.....	....	.....	42 54 34	73 53 32	.....	Van Atten. .... Sittle's Hill.....	246 34 53 211 08 48	9184 22711
Vischer's Ferry church spire,	... ..	Clifton Park.....	....	.....	42 47 46	73 49 36	... ..	Niskayuna..... Freleigh .....	188 37 03 124 16 41	3337 3945
Galway P. O. Presb. ch. sp...	.....	Galway.....	....	.....	43 01 05	74 01 54	...	Galway .... Waters.....	350 13 33 190 28 45	5598 17492
SARATOGA SPRINGS.										
Roman Catholic church sp...	... ..	Saratoga Springs,	....	.....	43 04 3	73 47 15	.....	Saratoga..... Ambler .....	102 25 52 289 30 49	892 5623

NEW YORK STATE SURVEY. — PRELIMINARY GEOGRAPHICAL POSITION — (Continued).

SARATOGA COUNTY — (Continued).

NAME OF STATION.	No. of monu- ment.	Township.	No. of lot.	Owner's name.	Latitude	Longi- tude.	Azimuth.	To station.	Back azimuth.	Dis- tance. Meters.
Methodist Episcopal ch. sp..	.....	Saratoga Springs	...	....	° ' " 43 04 48	° ' " 73 47 16	° ' " .....	Saratoga Ambler .....	186 52 05 285 27 13	1305 5461
Presbyterian church spire...	.....	Saratoga Springs	....	.....	43 05 01	73 47 04	.....	Saratoga Ambler .....	194 00 35 280 42 26	1756 5636

SCHENECTADY COUNTY.

Barret .....	.....	Duanesburgh....	....	James Barret.....	42 43 00	74 11 02	.....	Oak Ridge .....	305 55 39 338 33 54	14023 8560
Burnt Hills.....	.....	Glenville .....	....	Wm. Sherman .....	42 54 34	73 54 17	.....	Van Atten..... Sittle's Hill.....	266 07 17 208 53 00	8167 22205
Chapman .....	35	Duanesburgh....	....	.....	42 47 18	74 13 19	11 45 39 91 54 04	Babcock .....	191 43 49 271 49 56	18051 8221
Conover .....	Pot.	Esperance .....	....	Alva Conover.....	42 46 57	74 17 27	263 28 36 11 37 46	Chapman .....	83 31 24 191 36 39	5677 11140
Princeton.....	U.S.C.S.	Princeton.....	...	.....	42 50 45	74 05 48	279 00 24 343 50 59	Rafnesque .....	99 19 59 163 54 28	39776 25294
Rexford Flats .....	.....	Glenville.....	....	John Bath.....	42 51 22	73 53 51	.. .....	Van Atten..... Sittle's Hill.....	301 30 28 220 00 52	10277 17621
Sears.....	34	Duanesburgh....	....	.....	42 43 43	74 14 45	137 46 36 196 16 27	Oak Ridge .....	317 43 28 16 17 25	9339 6923
Van Atten.....	13	Glenville.....	...	Wm. Matthews.....	42 54 17	74 00 10	0 58 15 291 56 56	Helderberg .....	180 53 00 112 12 46	30832 34228
Waterstreet .....	32	Rotterdam .....	....	John D. Waterstreet.	42 51 48	74 04 15	98 01 10 185 36 18	Glen .....	277 50 50 5 37 25	20899 22826
Braman's Corners Un. ch. sp.	.....	Duanesburgh....	....	.....	42 47 44	74 15 13	.....	Conover .....	244 45 19 331 02 25	3371 11899



Braman's Corners Bap. ch. sp.	.....	Duanesburgh ....	.....	42 47 49	74 15 06	.....	Conover . . . . . Glen . . . . .	243 36 40 320 52 09	9400 11844
Duanesburgh church tower .	.....	Duanesburgh...	..	42 46 10	74 09 25	.....	Babcock ... .. Helderberg .....	209 57 04 142 55 55	17099 19847
Scotia Baptist church spire .	.....	Glenville ... ..	....	42 40 33	73 57 49	.....	Van Atten . . . . . Sittle's Hill. . . .	339 07 35 210 17 59	9308 11738
Scotia D. R. church tower ..	.....	Glenville .....	....	42 49 30	73 57 38	.....	Van Atten..... Sittle's Hill.....	337 13 23 210 57 17	9301 12025
Princetown Presb. church sp	.....	Princetown.....	....	42 48 25	74 04 47	.....	Helderberg .....	164 15 10 156 03 28	20767 8785
Poeptleskill D. R. church ...	... ..	Rotterdam .....	....	42 48 20	73 59 47	.....	Van Atten..... Sittle's Hill.....	356 29 17 201 41 36	10753 8775
D. R. ch. west of Dunsville..	.....	Rotterdam .....	....	42 45 07	74 02 44	.....	Sittle's Hill..... Smith.... .	158 10 47 251 43 38	2085 2857
Rotterdam M. E. Church .....	.....	Rotterdam .....	....	42 46 46	73 57 30	.....	Van Atten..... Sittle's Hill.....	344 50 42 231 53 00	14405 8074
SCHENECTADY.									
Armory flag pole. .... .	.....	Schenectady ....	....	42 48 35	73 56 20	.....	Sittle's Hill..... Van Atten.....	223 36 09 332 57 07	11543 11822
First D. R. church spire.....	.....	Schenectady ....	....	42 40 00	73 56 52	.....	Sittle's Hill..... Van Atten .....	218 26 26 334 37 11	11623 10829
German R. C. church spire..	.....	Schenectady ....	..	42 48 30	73 56 26	.....	Sittle's Hill..... Van Atten.....	222 41 45 333 22 10	11518 11659
German Methodist ch. sp....	.....	Schenectady ....	....	42 48 55	73 56 13	.....	Sittle's Hill..... Van Atten .....	222 07 18 330 50 43	12099 11352
Methodist Episcopal ch. sp	.....	Schenectady ...	....	42 48 41	73 56 23	.....	Sittle's Hill..... Van Atten.....	222 46 46 332 52 01	11621 11640
Old Prot. Epis. church spire.	.....	Schenectady ....	....	42 49 02	73 56 46	.....	Sittle's Hill..... Van Atten.....	218 43 47 333 47 31	11768 10820
Presbyterian church spire ..	.... ..	Schenectady ....	....	42 49 01	73 56 43	.....	Sittle's Hill .....	219 01 12 333 33 43	11789 10865
Union College Dome .....	.....	Schenectady ....	....	42 49 01	73 55 50	.....	Sittle's Hill..... Van Atten.. .	223 20 33 326 09 34	12579 11466

# NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITIONS—(Continued).

## SCHOHARIE COUNTY.

NAME OF STATION.	No. of monument.	Township.	No. of lot.	Owner's name.	Longitude.	Azimuth.	To station.	Distance. Meters.
Argusville.....	.....	Carlisle.....	.....	Henry C. Lyoker.	74 13 13 " " " "	343 09 14 83 85 57	Baracourie .... East Hill. ....	163 10 28 203 28 27
Babcock .. .. .	24	Middleburgh .....	.....	Wm. Babcock ....	74 16 01	270 33 31 200 26 49	Helderbürg .... Galway .. .. .	200 45 55 20 37 56
Baracourie .....	.....	Carlisle .....	.....	Frank Schults....	74 29 27	27 43 16 109 53 17	Summit..... East Hill.....	163 30 20 230 44 36
Bouck .....	40	Middleburgh .....	.....	Joseph Mann.....	74 13 52	.....	Mann .. .. . Kelsey .. .. .	337 05 11 263 17 30
Dockstader.....	Tile 46	Sharon. ....	.....	Ephraim Dockstader	74 40 09	.....	Summit..... Holmes .. .. .	153 39 14 188 46 06
Holmes ... .. .	39	Richmondville ..	.....	Harvey Holmes ..	74 20 51	59 25 03 137 56 43	Summit .. .. . East Hill.....	236 22 13 317 49 04
Kelsey .....	37	Middleburgh .....	.....	Wm. Kelsey .....	74 21 56	203 50 28 210 27 27	Babcock .. .. . Mann .. .. .	36 54 28 20 29 22
Mann .....	36	Schoharie .....	.....	Wm. Mann .....	74 19 06	214 17 19 325 23 00	Chapman .. .. . Babcock .. .. .	24 21 14 145 25 05
Sterling .....	Pot.	Sharon.....	.....	Chas. Sterling ...	74 33 27	330 22 49 74 25 26	Baracourie .... East Hill.....	150 25 32 254 29 27
Summit... .. .	25	Summit.....	.....	John B. Wharton...	74 35 00	224 23 41 154 27 49	Oak Ridge .. .. East Hill.....	44 34 18 334 23 53
Thompson.....	.....	Richmondville ..	.....	N. C. Thompson....	74 22 12	.....	Summit..... Holmes .. .. .	209 20 35 150 40 03
Tilpaugh ... ..	Drilled hole.	Carlisle .....	.....	Jacob Tilpaugh .....	74 27 32	96 00 23	East Hill .....	272 50 23

Turk .....	41	Cobleskill.....	42 30 03	74 24 00	49 58 07	Summit .....	229 58 28	12223
Carlisle Presbyterian church	.....	Carlisle .....	42 45 22	74 28 40	123 40 13	East Hill.....	303 30 45	23153
Cobleskill (Hotel Augustan).	.....	Cobleskill .....	42 40 40	74 29 07	.....	Sears.....	100 41 00	16385
Esperance Presb. church.....	.....	Esperance .....	42 45 43	74 15 41	.....	Oak Ridge .....	89 15 08	10817
Esperance M. E. church .....	.....	Esperance .....	42 45 38	74 15 30	.....	Summit.....	221 04 19	12224
Sloansville Bap. ch. tower...	.....	Esperance .....	42 45 25	74 19 52	.....	Turk .....	185 35 48	1890
Middleburgh M. E. ch. spire.	.....	Middleburgh .....	42 35 47	74 20 00	.....	Chapman .....	47 37 19	4350
Middleburgh D. R. ch. spire.	.....	Middleburgh .....	42 36 17	74 20 17	.....	Sears .....	161 04 57	3925
Richmondville hotel flag pole	.....	Richmondville .....	42 38 02	74 33 53	.....	Chapman .....	48 54 46	4282
Schoharie Luth. church sp ..	.....	Schoharie .....	42 39 51	74 18 41	.....	Sears.....	163 52 32	8706
Schoharie, Old Fort. ....	.....	Schoharie .....	42 40 37	74 18 08	.....	Sears.....	114 17 00	7671
						Babcock .....	159 38 38	15126
						Mann .....	7 07 58	9828
						Kelsey .....	320 21 40	4141
						Mann .....	10 22 44	8987
						Kelsey .....	315 26 47	3199
						Turk .....	65 44 51	8592
						Summit.....	199 19 20	4594
						Mann .....	345 36 42	2283
						Kelsey .....	225 34 37	6253
						Mann .....	301 57 20	1535
						Kelsey .....	221 54 54	7728

WAYNE COUNTY.

Clyde.. | U.S.L.S. | Galen .. | P.S. Sloan..... | 43 02 03 | 76 51 51 | 228 22 08 | Victory .. | 48 32 42 | 28000

YATES COUNTY.

Milo..... | 118 | Milo.... | 24 | B. L. Hoyt..... | 42 35 15 | 77 01 49 | 194 42 21 | Clyde .. | 14 49 07 | 53250

244 06 45 | Niles .. | 64 30 58 | 54131

# NEW YORK STATE SURVEY.—PRELIMINARY GEOGRAPHICAL POSITIONS — (Continued).

## GREENE COUNTY — (Continued).

NAME OF STATION.	No. of monument.	Township.	No. of lot.	Owner's name.	Latitude.	Longitude.	To station.	Back azimuth.	Distance. Meters.
CATSKILL MOUNTAINS.									
Cata'li M't'n House (S.E. cor.)	.....	Hunter.	.....	C. L. Beach	42 11 30	74 02 07	Mt. Merino	70 10 33	18504
High Peak	.....	Hunter.	.....	.....	42 10 05	74 05 42	Mt. Merino	57 52 27	33605
Windham High Peak	.....	Windham	.....	.....	42 13 53	74 03 37	Mt. Merino	73 14 51	24043
	.....		.....				Merwin	53 03 53	30415
	.....		.....				Mt. Merino	103 27 41	28300
	.....		.....				Merwin	53 00 19	37033

## ULSTER COUNTY.

Overlook Mountain	.....	Woodstock	.....	.....	42 05 05	74 05 33	Mt. Merino	53 55 06	23114
	.....		.....				Merwin	47 53 44	44959

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[ASSEMBLY

## COUNTY LINE AND STATIONS AND MONUMENTS.

### ALBANY AND SCHENECTADY COUNTIES.

An Station, No. 43	.....	Watervliet	.....	Henry Witbeck	42 46 33	73 47 59	An Station, No. 97	203 53 54	1051
	.....		.....				Niskayuna	243 29 32	2003
County line Monument	43	Watervliet	{ Niskayuna	Henry Witbeck	42 46 33	73 47 59	An Station, No. 43	243 03	
	.....								
An Station, No. 97	.....	Niskayuna	.....	Village lot	42 46 27	73 49 25	Niskayuna	227 36 06	1145
	.....		.....				Preleigh	85 46 52	2000
County line Monument	97	Watervliet	{ Niskayuna	In road, opposite T. J. Miller's store.	42 46 19	73 49 26	An Station, No. 97	43 15	100
	.....								
An Station, No. 70	.....	Rotterdam	.....	Richard Van Patten	42 45 26	73 57 50	Heiderberg	104 57 05	14033
	.....		.....				Stickle's Hill	247 12 13	8420

County line Monument.....	70	{ Guilderland .....	...	J. Sitterly.....	42 45 25	73 57 50	133 10	Δn Station, No. 70	313 10	24
Δn Station, No. 74.....		{ Rotterdam .....	...	Rich'd Van Patten }	43 45 04	74 00 24	1 26 20	Helderberg .....	181 26 10	13771
County line Monument.....	74	Guilderland .....	...	Abraham Coss .....	42 45 04	74 00 24	52 54 00	Sittle's Hill .....	232 32 48	3024
Δn Station, No. 46 .....		{ Guilderland .....	...	Arabah Coss .....	42 44 24	74 08 04	276 24 58	Δn Station, No. 74	151 40	6
County line Monument.....		{ Pflucetown.....	...	J. Ostrander.....	42 43 54	74 10 15	256 46 17	Sittle's Hill.....	96 27 87	5354
Δn Station, No. 46 .....		{ Duanesburgh... }	...	Levl Van Auken .. }	42 43 54	74 10 15	270	Smith .....	76 47 09	1783
County line Monument.....	46	{ Duanesburgh... }	...	Win. H. Furbeck.. }	42 44 24	74 08 04	90	Δn Station, No. 46	270	2
Δn Station, No. 44.....		{ Knox .....	...	Levl Van Auken .. }	42 43 54	74 10 15	288 10 30	Sittle's Hill.....	88 16 00	11029
County line Monument.....	44	{ Duanesburgh... }	...	Wm. H. Furbeck.. }	42 43 54	74 10 15	259 40 47	Smith .....	79 44 29	7561
		{ Duanesburgh... }	...	Cornelia Ketchum }	42 43 54	74 10 15	270	Δn Station, No. 44	90	3
		{ Duanesburgh... }	...	John D. Westfall.. }						57

## SCHOHARIE AND SCHENECTADY COUNTIES.

Δn Station, No. 52.....		{ Schoharie .....	...	John W. Barton.....	42 42 59	74 14 30	.....	Sears.....	846 22 04	1395
County line Monument.....	52	{ Wright..... }	...	John W. Barton.....	42 42 59	74 14 30	.....	Chapman .....	11 24 02	8102
		{ Duanesburgh.. }	...							
		{ Duanesburgh.. }	...							
		{ Duanesburgh.. }	...							

## SCHENECTADY AND MONTGOMERY COUNTIES.

Δn Station, No. 53.....		{ Duanesburgh... }	...	Samuel McMillan.. }	42 49 48	74 13 16	.....	Oak Ridge .....	242 18 42	9365
County line Monument .....	52	{ Florida .....	...	Wm. J. Merry .....	42 49 48	74 13 16	.....	Conover .....	227 23 24	7709
		{ Duanesburgh... }	...	Samuel McMillan.. }						
		{ Florida .....	...	Wm. J. Merry .....						



**GEOGRAPHICAL POSITIONS OF STATIONS**  
**OF**  
**NEW YORK STATE SURVEY,**  
**ON THE HUDSON RIVER**  
**BETWEEN**  
**TROY AND HUDSON.**

NEW YORK STATE SURVEY.—GEOGRAPHICAL POSITIONS OF STATIONS.

NAME OF STATION.	Latitude.	Longitude.	Azimuth.	To station.	Back Azimuth.	Distance Meters.
Mt. MERINO (S. S. Mon. 271) and (U. S. C. S.).....	° ' " 42 14 03.84	° ' " 73 49 04.18	° ' " 202 26 41	YELLOW PINE (U. S. C. S.).....	° ' " 22 32 28	30847.4
Academy Hill (S. S. Mon. 269) .....	42 14 36.14	73 46 36.86	187 28 23 123 59 25	Sharts .....	7 28 44	5494.7
Wiswall (S. S. Mon. 273).....	42 14 47.88	73 48 54.21	182 42 44 126 14 58	Hallenbeck S.....	303 57 09	5586.1
Morrison (S. S. Mon. 266) .....	42 15 12.63	73 49 40.59	338 40 31 284 57 00	Black Rock.....	2 42 45	1054.0
Hudson (copper bolt).....	42 15 20.83	73 47 51.98	308 40 36 179 39 30	Morrison.....	306 14 27	1318.0
Black Rock (S. S. Mon. 265).....	42 15 21.50	73 48 52.04	6 36 12 294 17 41	Mt. MERINO.....	158 40 56	2295.0
Patten (S. S. Mon. 270).....	42 15 26.01	73 47 10.64	45 35 28 338 16 49	Academy Hill.....	104 59 03	4359.2
Hallenbeck S. (S. S. Mon. 267) and (U. S. C. S.).....	42 16 17.50	73 49 50.36	201 54 22 246 32 26	Academy Hill.....	128 41 26	2205.6
Dubois (S. S. Mon. 272).....	42 16 24.01	73 46 50.15	87 21 56 147 37 16	Freight Yard .....	359 39 30	2280.5
Freight yard (S. S. Mon. 264).....	42 16 35.07	73 47 52.57	19 19 41 834 41 00	Mt. MERINO .....	186 35 04	2427.6
Boulder (S. S. Mon. 274).....	42 17 15.16	73 46 32.36	109 27 36 161 04 00	Academy Hill.....	114 19 12	3389.7
Sharts (S. S. Mon. 268).....	42 17 32.73	73 46 05.66	33 21 43 157 10 59	Mt. MERINO.....	225 34 12	3644.0
Railroad Farm (S. S. Mon. 263)....	42 17 35.93	73 47 51.59	50 25 55 342 50 15	Academy Hill.....	153 17 11	1722.2
				Lampman .....	21 55 52	8285.8
				Sharts .....	66 35 03	5835.4
				Hallenbeck S.....	267 19 49	4339.9
				Railroad Farm .....	327 36 34	2627.7
				Mt. MERINO.....	199 18 53	4960.6
				Academy Hill.....	154 41 51	4058.6
				Railroad Farm .....	289 26 42	1924.6
				Four mile point.....	341 03 49	2123.5
				Mt. MERINO .....	212 19 43	7646.6
				Lampman .....	337 09 52	5821.8
				Hallenbeck S.....	230 24 29	3797.9
				Academy Hill.....	162 51 05	5805.1

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Rockport (S. S. Mon. 275).....	42	17	50.99	73	46	12.83	71	55	13	"	Railroad Farm.....	251	54	07	"	2300.5
Four Mile Point (S. S. Mon. 282).....	42	18	20.23	73	47	02.45	118	26	57	"	Four mile Point.....	204	36	24	"	1306.2
Alvord (S. S. Mon. 270).....	42	19	08.83	73	48	30.00	39	28	00	"	Railroad Farm.....	219	28	47	"	1771.2
Stevens (S. S. Mon. 281).....	42	10	18.97	73	47	14.46	318	25	43	"	Sharta.....	136	26	21	"	1960.2
Judson (S. S. Mon. 193).....	42	10	45.96	73	46	04.35	148	42	45	"	Vineyard.....	328	42	10	"	2276.4
Junction (S. S. Mon. 277).....	42	19	46.56	73	46	28.75	107	05	01	"	Stevens.....	287	04	31	"	1035.0
Vineyard (S. S. Mon. 280).....	42	20	11.88	73	47	21.65	334	19	17	"	Sharta.....	154	20	03	"	2033.8
Lampman (S. S. Mon. 253).....	42	20	28.65	73	47	44.30	242	34	50	"	Judson.....	62	35	37	"	1808.0
Fordham Point (S. S. Mon. 259).....	42	20	38.46	73	46	52.78	0	25	03	"	Railroad Farm.....	190	25	02	"	4110.3
Coxsackie (S. S. Mon. 255).....	42	21	08.61	73	47	45.58	30	56	53	"	Hallenbeck S.....	219	54	15	"	8386.2
Merwin (S. S. Mon. 254) and (U. S. C. S.).....	42	21	21.94	73	41	23.56	121	52	24	"	Vineyard.....	301	51	47	"	1479.6
Nutten Hook (S. S. Mon. 253).....	42	21	24.19	73	47	20.86	52	04	16	"	Stevens.....	232	03	44	"	1384.8
Wood (S. S. Mon. 280).....	42	21	53.06	73	46	54.42	294	19	33	"	Judson.....	114	20	25	"	1941.8
Coxsackie Island (S. S. Mon. 278).....	42	22	05.20	73	47	39.65	354	14	44	"	Stevens.....	174	14	49	"	1640.8
Bogardus (S. S. Mon. 256).....	42	22	07.04	73	47	57.56	8	48	13	"	Mt. Merino.....	183	47	19	"	11936.7
Best (S. S. Mon. 252).....	42	22	19.97	73	47	06.85	258	53	21	"	Merwin.....	78	57	37	"	8873.9
							72	50	27	"	Lampman.....	252	49	52	"	1234.5
							179	03	20	"	Wood.....	359	03	19	"	2301.9
							220	28	45	"	Wood.....	40	29	19	"	1803.1
							307	34	21	"	Fordham Point.....	127	34	57	"	1525.2
							37	59	11	"	Mt. Merino.....	217	54	01	"	17158.6
							184	48	33	"	Yellow Pine (U.S.C.S.).....	4	49	10	"	15032.2
							214	11	01	"	Wood.....	34	11	19	"	1076.7
							147	35	10	"	Bogardus.....	327	34	45	"	1566.1
							23	10	58	"	Lampman.....	203	10	24	"	2899.9
							144	28	47	"	Terry.....	324	28	04	"	2541.4
							289	59	25	"	Wood.....	109	59	56	"	1101.2
							341	15	28	"	Nutten Hook.....	161	15	40	"	1338.2
							354	24	15	"	Lampman.....	174	24	24	"	3112.1
							236	37	22	"	Wood.....	106	38	04	"	1507.5
							13	46	32	"	Lampman.....	193	46	06	"	3599.7
							136	04	44	"	Terry.....	316	04	09	"	1718.8

NEW YORK STATE SURVEY.—GEOGRAPHICAL POSITIONS OF STATIONS—(Continued).

NAME OF STATION.	Latitude.			Longitude.			Azimuth.			To station.	Back azimuth.			Distance. Meters.
	°	'	"	°	'	"	°	'	"		°	'	"	
Sickles (S. S. Mon. 247).....	42	22	55.93	73	46	59.24	12	37	25	Lampman .....	192	38	53	4719.5
							95	23	17	Terry.....	275	22	36	1372.5
Terry (S. S. Mon. 257).....	42	23	00.10	73	47	53.98	288	28	22	Merwin.....	108	32	49	9539.8
							355	56	29	Lampman .....	175	56	39	4746.1
Van Buren (S. S. Mon. 251)...	42	23	16.31	73	43	38.91	47	01	46	Lampman .....	228	59	01	7676.0
							85	13	04	Terry.....	265	10	09	5689.2
Stuyvesant (S. S. Mon. 248) .....	42	23	20.18	73	47	00.61	65	06	33	Terry.....	245	05	58	1471.7
							122	45	52	Van Slyke.....	302	45	16	1488.1
Van Slyke (S. S. Mon. 194) .....	42	23	46.23	73	47	55.33	3	21	00	Terry.....	183	20	57	1427.2
							320	26	42	Sickles .....	140	27	20	2014.7
Balley (S. S. Mon. 250) .....	42	24	02.54	73	46	45.07	41	16	04	Terry.....	221	15	14	2662.9
							161	51	50	Bronk.....	341	51	22	3043.2
Bronk's Island (S. S. Mon. 279).....	42	24	14.85	73	47	12.68	301	01	35	Balley .....	121	01	54	736.8
							218	57	02	Thistle.....	38	57	30	1536.8
Colvin (S. S. Mon. 196).....	42	24	38.25	73	47	29.00	181	49	23	Bronk .....	1	49	25	1791.3
							250	31	51	Thistle.....	70	32	31	1420.6
Thistle (S. S. Mon. 246).....	42	24	53.59	73	46	30.42	135	46	19	Bronk .....	315	45	41	1838.1
							12	00	30	Balley .....	192	00	20	1610.1
Tracy (S. S. Mon. 249).....	42	25	23.63	73	44	32.28	46	53	02	Terry.....	226	50	43	6476.6
							842	44	11	Van Buren.....	162	44	47	4113.2
Stone House (S. S. Mon. 245).....	42	25	23.64	72	47	12.10	314	12	24	Thistle.....	184	12	52	1329.4
							233	57	15	Van Alstyne.....	53	57	50	1494.6
Bronk (S. S. Mon. 195)....	42	25	36.28	73	47	25.51	8	45	38	Terry .....	188	45	16	4876.3
							275	34	50	Tracy .....	95	36	48	4001.6
Van Alstyne (S. S. Mon. 244).....	42	25	52.14	73	46	19.23	72	31	16	Bronk .....	252	20	31	1618.7
							128	55	07	Vanderpoel .....	808	54	28	1708.1

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Vanderpoel (S. S. Mon. 181).....	42	20	26.61	73	47	17.32	287	19	40	Tracy.....	117	21	38	4243.9
Bluff (S. S. Mon. 181) . . . . .	42	20	51.52	73	46	19.19	238	53	11	Whannel.....	58	54	03	2088.4
Hotaling Island (S. S. Mon. 179).....	42	20	54.35	73	46	56.53	106	59	54	Parsons.....	286	59	05	1780.3
Whannel (S. S. Mon. 185).....	42	27	00.84	73	46	00.84	60	07	58	Vanderpoel.....	240	07	17	1529.5
Parsons (S. S. Mon. 155).....	42	27	07.98	73	47	31.99	117	27	00	Parsons.....	297	26	30	913.8
Orchard (S. S. Mon. 155).....	42	27	38.10	73	47	38.44	239	08	12	Vanderpoel.....	209	07	58	972.1
Lower Schodack Island (S. S. Mon. 180).....	42	27	40.56	73	46	34.28	328	00	32	Tracy.....	146	01	32	3021.0
Bell (S. S. Mon. 183).....	42	27	42.80	73	46	05.10	88	51	38	Bronk.....	216	50	35	3204.5
Barren Island (S. S. Mon. 176).....	42	27	50.19	73	47	09.63	246	01	58	YELLOW PINE (U.S.C.S.)	68	06	44	10584.7
Van Dalfsen (S. S. Mon. 177).....	42	27	59.89	73	47	32.37	204	05	20	Traver (U.S.C.S.).....	24	06	36	6257.4
Mull's Island (S. S. Mon. 175).....	42	28	24.88	73	47	05.21	227	49	07	Ten Eyck (U.S.C.S.)..	47	50	18	3236.8
Ten Eyck (S. S. Mon. 182).....	42	28	46.53	73	45	50.38	185	19	23	Roha Hook.....	5	19	30	2739.9
Roha Hook (S. S. Mon. 174).....	42	29	04.52	73	47	24.32	52	41	22	Parsons.....	232	40	43	1657.7
Mull's Plaat (S. S. Mon. 173).....	42	29	16.51	73	47	00.98	347	09	41	Bluff.....	167	09	51	1652.0
YELLOW PINE (S. S. Mon. 150).....	42	29	28.56	73	40	27.44	84	16	32	Orchard.....	264	15	51	2074.2
Mull (S. S. Mon. 169).....	42	29	53.43	73	47	04.66	355	41	43	Whannel.. . . . .	175	41	46	1294.7
							53	36	08	Orchard.....	239	36	13	732.7
							278	46	38	Bell.....	98	47	21	1491.5
							5	23	11	Orchard.....	185	23	09	737.6
							294	48	22	Bell.....	104	49	21	2062.0
							160	22	11	Roha Hook.....	340	21	59	1298.5
							24	39	06	Orchard.....	204	38	47	1655.9
							75	06	00	Ten Eyck (U. S. C. S.)	255	06	00	0.914
							228	19	57	Traver (U.S.C.S.)....	46	21	07	3184.5
							234	30	16	Ten Eyck (U.S.C.S.)..	104	31	20	2214.9
							175	47	32	Mull.....	355	47	29	1142.1
							55	13	47	Roha Hook.....	235	13	31	643.8
							26	21	51	YELLOW PINE (U.S.C.S.)	206	21	50	49.63
							252	30	57	Traver (U.S.C.S.).....	72	31	54	2023.5
							207	33	28	Shad Island.....	27	33	56	2043.9

NEW YORK STATE SURVEY.—GEOGRAPHICAL POSITIONS OF STATIONS — (Continued).

NAME OF STATION.	Latitude.	Longitude.	Azimuth.	To station.	Back Azimuth.	Distance. Meters.
Traver (S. S. Mon. 152).....	° ' " 42 30 13.12	° ' " 73 45 40.07	° ' " 91 24	Traver (U. S. C. S.)..	° ' " 271 24	1.000
Schodack Island (S. S. Mon. 172).....	42 30 25.49	73 46 21.79	44 41 15 291 51 03	Mull... Traver (U. S. C. S.).....	224 40 46 111 51 32	1391.4 1025.2
Vrooman (S. S. Mon. 154).....	42 30 41.35	73 46 53.94	219 25 30 237 19 06	Van Denburgh (bolt)... Traver (U. S. C. S.).....	39 27 21 117 19 56	5879.7 1897.0
Shad Island (S. S. Mon. 171).....	42 30 52.16	73 46 23.23	320 44 22 64 33 55	Traver (U. S. C. S.)..	140 44 51	1555.3
Clapper (S. S. Mon. 161).....	42 30 58.26	73 45 43.58	72 00 33 161 55 46	Vrooman..... Vanderzee (bolt).....	244 33 35 251 59 46	776.4 1688.7
Schermerhorn Island (S. S. Mon. 168).....	42 31 18.63	73 46 00.13	323 59 12	Vrooman ..... Clapper .....	143 59 23	3023.2
Baker (S. S. Mon. 162)....	42 31 46.57	73 46 01.43	46 53 29 323 59 12	Vrooman ..... Vanderzee (bolt).....	226 52 53 143 59 23	1682.6 733.0
Castleton (S. S. Mon. 167).....	42 32 09.65	73 45 15.48	30 46 57 159 01 53	Vrooman ..... Vanderzee (bolt).....	210 46 22 330 01 37	2342.2 1486.7
Vanderzee (copper bolt).....	42 32 31.56	73 46 24.75	113 09 38 55 49 05	Vanderzee (bolt)..... Baker. ....	293 08 51 235 48 34	1719.1 1267.7
Vanderzee (S. S. Mon. 145).....	42 32 31.75	73 46 24.72	249. 36 01 346 34 57	Van Denburgh (bolt)... Traver (U. S. C. S.).....	69 37 32 166 35 28	8273.8 4391.1
Cedar Hill (copper bolt).....	42 32 56.27	73 45 33.85	6 56 30	Vanderzee (cop. bolt)	186 56 30	5.70
Van Denburgh (S. S. Mon. 153).....	42 33 07.36	73 44 10.42	258 47 01 225 51 35	Van Denburgh (bolt)... Campbell's Island.....	73 47 58 45 51 54	1943.9 890.4
Van Denburgh (copper bolt).....	42 33 08.53	73 44 10.20	185 48 44	Van Denburgh (copper [bolt]..	5 48 44	36.09
			323 25 54 227 01 13	YELLOW PINE (U. S. C. S.) Hallenbeck (U. S. C. S.)	143 28 24 17 03 57	8502.6 7521.2

Campbell's Island (S. S. Mon. 163).....	42	33	10.37	73	45	05.54	280	48	40	Van Denburgh (bolt)...	100	49	17	1200.7
Paarda Hook (copper bolt).....	42	33	16.60	73	45	26.13	183	40	56	Muller.....	8	40	59	1805.5
Winne's dock (S. S. Mon. 160).....	42	33	52.89	73	45	17.51	278	11	18	Van Deuburgh (bolt).	96	12	09	1748.5
Muller (S. S. Mon. 159).....	42	33	52.89	73	45	17.51	198	00	40	Muller.....	18	00	57	1886.9
Van Wie (S. S. Mon. 146).....	42	34	14.76	73	45	00.55	811	25	01	Van Denburgh (bolt)...	181	25	46	2045.6
Cooper (S. S. Mon. 164).....	42	34	53.45	73	45	23.27	209	16	04	Muller.....	29	16	15	791.3
Dominie's Hook (S. S. Mon. 165).....	42	35	40.82	73	45	51.63	205	07	54	Grandview.....	25	08	37	3386.6
Dominie's Hook (copper bolt).....	42	35	41.10	73	45	51.21	330	41	40	Van Denburgh (bolt)...	150	42	14	2343.5
Papscanee Island (S. S. Mon. 158).....	42	35	53.34	73	45	30.01	154	18	33	Parke.....	334	18	05	2221.5
Grandview (S. S. Mon. 149).....	42	35	54.12	73	43	57.45	218	29	18	Belvedere.....	38	30	02	2358.1
Hallenbeck (S. S. Mon. 151).....	42	35	54.65	73	40	08.91	142	19	35	Parke.....	322	19	00	1909.8
Parke (copper bolt) .....	42	35	58.33	72	46	05.52	23	36	52	Van Wie.....	202	36	46	531.1
Patterson (S. S. Mon. 157).....	42	36	11.55	73	45	50.31	227	18		Domule's Hook (bolt).		47	18	12.83
Teller (S. S. Mon. 148).....	42	36	24.80	73	44	06.25	165	54	26	Corning.....	345	54	10	2281.7
Denison (S. S. Mon. 166).....	42	36	48.69	73	45	22.24	240	35	13	Teller.....	60	36	24	2746.2
Corning (S. S. Mon. 147).....	42	36	52.83	73	46	15.59	243	02	47	Teller.....	63	03	44	2141.7
							185	55	26	Denison.....	5	55	31	1716.8
							269	48	16	Hallenbeck (U. S. C. S.)	89	50	51	5210.5
							3	16	25	Van Denburgh (bolt)...	183	16	16	5117.9
							306	09	10	Hallenbeck (U. S. C. S.)	128	09	10	1.05
							333	20	56	Van Denburgh (bolt)...	153	22	14	5861.4
							272	31	47	Grandview.....	92	33	14	2922.1
							155	39	42	Corning.....	335	39	25	1308.0
							200	12	30	Teller.....	80	13	41	2406.7
							209	55	46	Rysedorph (U. S. C. S.)	29	56	23	2504.5
							279	44	11	Hallenbeck (U. S. C. S.)	99	46	52	5490.0
							233	03	01	Teller.....	113	03	53	1882.2
							154	42	44	Westerloe Island.....	334	42	31	1021.0
							252	42	12	Rysedorph (U. S. C. S.)	72	44	17	4305.4
							299	53	52	Grandview.....	119	55	26	3632.1

NEW YORK STATE SURVEY — GEOGRAPHICAL POSITIONS OF STATIONS — (Continued).

NAME OF STATION.	Latitude.	Longitude.	Azimuth.	To station.	Back Azimuth.	Distance. Meters.
Westerloe Island (S. S. Mon. 170).....	° ' " 42 37 18.61	° ' " 73 45 41.88	° ' " 307 28 18 230 38 14	Teller..... Moles.....	° ' " 127 27 23 50 38 40	2730.6 1121.6
Rysedorph (S. S. Mon. 2).....	42 37 35.18	73 43 11.44	321 41	Rysedorph (U. S. C. S.)	141 41	1.832
Moles (S. S. Mon. 156).....	42 37 41.66	73 45 03.32	47 32 58 331 15 24	Corning..... Teller.....	227 32 09 151 16 03	2232.1 2704.7
Greenbush Ferry, on bridge abutment.....	42 38 28.69	73 45 04.09	302 44 33 243 11 05	Rysedorph..... Van Rensselaer.....	122 45 50 63 12 03	3051.6 2181.6
Ball grounds (S. S. Mon. 230).....	42 38 36.55	73 44 46.05	59 28 55 303 16 41	Greenbush Ferry... St. John's R. C. Ch...	239 28 42 123 16 58	477.1 671.3
Van Rensselaer (S. S. Mon. 186) and (U. S. C. S.).....	42 39 00.58	73 43 38.60	143 03 46 82 55 29	Ferris..... Cathedral.....	323 02 41 262 54 09	3807.2 2696.2
Abutment (S. S. Mon. 188).....	42 39 13.75	73 44 40.33	59 48 45 230 49 51	Cathedral..... Forbes.....	239 48 07 50 50 50	1469.0 2561.6
Bath (S. S. Mon. 190).....	42 39 33.79	73 43 54.14	135 41 35 59 41 43	Ferris... Cathedral.....	315 40 41 239 40 39	2597.0 2689.2
Sage (S. S. Mon. 189).....	42 40 00.68	73 44 05.34	128 25 13 261 52 52	Ferris..... Forbes.....	303 24 26 81 53 27	1867.9 1201.4
Forbes (S. S. Mon. 191).....	42 40 06.18	73 43 13.10	107 22 08 54 07 06	Ferris..... Cathedral.....	287 20 47 234 05 29	2879.6 4019.1
Ferris (S. S. Mon. 1).....	42 40 34.02	73 45 13.82	333 11 15 271 08 19	Rysedorph..... Seward.....	153 12 38 91 12 01	6181.8 7443.2
Seward (S. S. Mon. 187).....	42 40 29.10	73 39 46.95	8 22 25 40 58 31	Hallenbeck (U. S. C. S.) Rysedorph.....	183 22 11 220 56 12	8483.0 7105.1
192 (S. S. Mon. 192).....	42 40 45.79	73 43 24.07	81 44 32 40 02 31	Ferris... Cathedral ..	281 43 18 220 01 01	2524.8 4673.5

Railway (S. S. Mon. 231).....	42	41	10.44	73	42	38.90	72	21	08	Ferris.....	208	19	23	5703.6
Race Course (S. S. Mon. 236) .....	43	41	15.85	73	42	55.48	20	55	01	Bath .....	209	54	10	3440.1
Riley (S. S. Mon. 232).....	43	41	41.34	73	42	55.48	67	43	08	Ferris.....	247	42	04	3403.8
Campbell (S. S. Mon. 234).....	43	41	41.34	73	42	55.48	10	34	17	Forbes.....	120	34	05	2186.8
Schuyler (S. S. Mon. 235).....	43	42	00.37	73	42	08.03	10	40	15	Rysedorph.....	190	30	33	7728.5
Iron Works (S. S. Mon. 233) .....	42	48	19.40	73	44	22.30	304	38	21	Seward.....	124	39	57	3020.4
Arsenal (S. S. Mon. 237).....	42	42	21.91	73	41	47.50	349	10	50	Rysedorph.....	109	11	38	8612.7
St. Joseph (S. S. Mon. 241).....	42	43	44.64	73	42	31.07	206	14	24	Seward.....	116	17	31	6991.4
Congress St. Bridge (S. S. Mon. 238).....	42	43	45.71	73	41	54.71	205	32	33	Iron Works .....	85	33	08	994.5
Lansing (S. S. Mon. 239) and (U. S. C. S.).....	42	44	11.28	73	41	59.06	174	56	81	Stone, D. R. Ch.....	354	56	29	865.6
Center Street (S. S. Mon. 240).....	42	44	38.08	73	41	27.11	83	45	14	Campbell .....	283	43	29	3546.0
Mt. Olympus (S. S. Mon. 242).....	42	44	38.78	73	41	02.12	21	01	07	Riley.....	201	00	53	1340.7
							343	09	07	Iron Works.....	168	09	21	1535.8
							234	59	15	Troy University.....	55	00	01	1876.5
							282	32	40	Troy University.....	103	32	40	382.2
							356	21	59	Iron Works.....	176	22	04	2591.2
							271	49	22	Troy University.....	91	50	00	1256.9
							946	04	18	Riley.....	166	04	52	4768.6
							286	59	08	Troy University.....	107	00	24	2844.0
							337	17	24	Troy University.....	157	17	43	1627.8
							252	49	01	Mt. Olympus .....	72	49	13	594.9
							72	21	53	Lansing.....	253	20	34	2790.9
							357	57	15	Troy University.....	177	57	17	1678.4

Additional Stations of the U. S. Coast Survey which have been connected with this Triangulation.

Hotchkiss (U. S. C. S.).....	42	17	32.71	73	46	05.63	132	01	40	Sharts.....	312	01	40	0.841
Ten Eyck (U. S. C. S.) .....	42	28	46.53	73	45	50.42	185	02	06	Traver (U. S. C. S.) ...	5	02	13	2682.1
YELLOW PINE (U. S. C. S.).....	42	29	27.12	73	40	28.40	182	03	03	Hallenbeck (U. S. C. S.)	2	03	16	11934.3

NEW YORK STATE SURVEY. — GEOGRAPHICAL POSITIONS OF STATIONS — (Continued).

NAME OF STATION.	Latitude.	Longitude.	Azimuth.	To Station.	Back Azimuth.	Distance. Meters.
Traver (U. S. C. S.) . . . . .	° ' " 42 30 13.12	° ' " 73 45 40.11	° ' " 281 14 50	YELLOW PINE (U. S. C. S.)	° ' " 101 18 21	7258.9
Winne's Point (U. S. C. S.) . . . . .	42 33 16.68	73 45 28.08	24 11	Van Denburgh (bolt) . . . . .	20 45 44	5787.1
Hallenbeck (U. S. C. S.) . . . . .	42 35 54.63	73 40 08.87	2 08 16	Paarda Hook . . . . .	204 11	2.527
Rysedorph (U. S. C. S.) . . . . .	42 37 35.14	73 43 11.41	306 41 07	YELLOW PINE (U. S. C. S.)	182 06 03	11984.3
Ferris (U. S. C. S.) . . . . .	42 40 35.21	73 45 13.51	9 16 14	Hallenbeck (U. S. C. S.)	128 43 10	5188.4
Bloomingtondale (U. S. C. S.) . . . . .	42 40 29.16	73 39 47.00	10 46 15	Van Denburgh (bolt) . . . . .	189 15 34	8335.0
				Ferris (S. S.) . . . . .	190 46 15	37.36
			329 15	Seward . . . . .	149 15	2.399

SUBSIDIARY POINTS LOCATED.

Greenport church . . . . .	42 11 54.43	73 48 13.54	163 43 33	Mt. Merino . . . . .	343 42 59	4143.0
F. B. church's house tower . . . . .	42 12 59.64	73 49 47.40	203 57 04	Academy Hill . . . . .	28 53 09	5459.5
Lutheran church . . . . .	42 14 53.58	73 47 03.97	208 45 27	Mt. Merino . . . . .	28 45 56	2200.8
Protestant Episcopal church . . . . .	42 14 58.53	73 47 23.16	235 42 33	Academy Hill . . . . .	55 44 41	5288.7
Universalist church . . . . .	42 14 58.59	73 47 14.95	60 39 19	Mt. Merino . . . . .	240 37 58	3161.8
Presbyterian church . . . . .	42 15 02.55	73 47 22.61	810 52 31	Academy Hill . . . . .	180 52 49	821.9
			53 41 20	Mt. Merino . . . . .	233 40 12	2874.3
			303 02 20	Academy Hill . . . . .	123 02 51	1286.0
			308 24 57	Academy Hill . . . . .	128 25 23	1114.8
			186 39 21	Patten . . . . .	6 39 24	851.6
			51 53 31	Mt. Merino . . . . .	231 52 23	2959.7
			307 50 42	Academy Hill . . . . .	127 51 12	1328.0



Roman Catholic church .....	42	15	03.13	73	47	30.50	300	19	50	Academy Hill. ....	130	20	32	1661.5
Baptist church.....	42	15	04.23	73	47	28.59	223	20	40	Patten .....	43	23	59	901.7
Light-house.....	42	15	05.57	73	48	33.03	49	24	39	Mt. Merino.....	229	23	25	2486.2
Water-works chimney... ..	42	15	17.33	73	47	55.29	303	08	34	Academy Hill .....	123	08	08	1463.3
-----: 0 :-----														
ATHENS.														
Dutch Reformed church.....	42	15	46.37	73	48	42.02	283	43	28	Academy Hill.. ..	103	44	44	2227.0
Protestant Episcopal church.....	42	15	52.28	73	48	28.46	193	49	29	Freight yard.....	18	49	56	2917.2
Knickerbocker Ice Co. chimney.....	42	15	53.39	73	48	18.82	283	03	41	Black Rock.....	274	58	37	1305.6
School House Cupola (Dist. No. 1)..	42	16	13.31	73	48	17.41	55	11	00	Wiswall... ..	235	10	20	1645.9
-----: 0 :-----														
Clows' barn flag-pole.....	42	18	13.29	73	47	40.83	8	43	05	Mt. Merino.....	183	42	50	2215.9
Four-mile Point light-house..	42	18	20.22	73	47	02.11	303	51	12	Academy Hill.. ..	126	52	37	3611.4
Stockport R. R. station chimney.....	42	18	35.57	73	46	21.24	13	41	49	Mt. Merino .....	193	41	25	3459.8
Judson's barn cupola.....	42	19	44.24	73	46	00.86	294	26	03	Patten.....	114	23	55	1953.9
Town corner, N. W. cor. of Stockport and S. W. cor. of Stuyvesant.....	42	20	38.83	73	46	54.07	205	03	41	Freight yard .....	25	03	59	1419.6
Knickerbocker Ice Co. flag-pole .....	42	20	46.58	73	47	31.03	236	23	33	Patten.....	118	24	19	1776.2
COXSACKIE.														
Clows' barn flag-pole.....	42	18	13.29	73	47	40.83	14	55	03	Mt. Merino.....	194	54	32	4165.6
Four-mile Point light-house..	42	18	20.22	73	47	02.11	322	34	53	Academy Hill.....	142	36	01	3733.4
Stockport R. R. station chimney.....	42	18	35.57	73	46	21.24	217	41	03	Judson... ..	37	42	07	3612.7
Judson's barn cupola.....	42	19	44.24	73	46	00.86	239	51	15	Sharts.....	119	52	19	2513.3
Town corner, N. W. cor. of Stockport and S. W. cor. of Stuyvesant.....	42	20	38.83	73	46	54.07	99	33	28	Four-mile Point.....	279	33	28	7.923
Knickerbocker Ice Co. flag-pole .....	42	20	46.58	73	47	31.03	43	19	15	Railroad Farm.....	228	18	14	2771.0
COXSACKIE.														
Clows' barn flag-pole.....	42	18	13.29	73	47	40.83	150	57	38	Lampman.....	330	56	42	3916.7
Four-mile Point light-house..	42	18	20.22	73	47	02.11	114	46	10	Vineyard... ..	294	45	15	2036.4
Stockport R. R. station chimney.....	42	18	35.57	73	46	21.24	65	10	41	Stevens.....	245	09	51	1356.5
Judson's barn cupola.....	42	19	44.24	73	46	00.86	290	44	20	Fordham Point.....	110	44	20	31.923
Town corner, N. W. cor. of Stockport and S. W. cor. of Stuyvesant.....	42	20	38.83	73	46	54.07	202	18	13	Wood .....	22	18	38	2156.8
Knickerbocker Ice Co. flag-pole .....	42	20	46.58	73	47	31.03	171	09	40	Terry.....	261	09	21	4159.6

NEW YORK STATE SURVEY.—GEOGRAPHICAL POSITIONS OF STATIONS — (Continued).

NAME OF STATION.	Latitude.	Longitude.	Azimuth.	To station.	Back Azimuth.	Distance. Meters.
Reformed church. ....	° ' " 42 20 53.11	° ' " 73 47 51.91	° ' " 176 45 27 216 31 50	Bogardus..... Nutten Hook.....	° ' " 356 45 23 36 32 11	2234.7 1193.5
Roman Catholic church (cross on tower) .....	42 20 56.80	73 47 46.14	214 02 47 173 10 30	Wood. .... Bogardus.....	34 03 22 353 10 22	2118.5 2198.1
Methodist Episcopal church.....	42 20 56.84	73 47 54.27	218 17 07 173 00 31	Wood..... Bogardus.....	38 17 48 353 00 29	2209.9 2167.2
Protestant Episcopal church (pinnacle). ....	42 21 09.44	73 48 13.80	233 27 21 191 48 33	Wood..... Bogardus.....	53 23 14 11 48 44	2220.5 1815.6
R. R. station ohlmney..... ——:0:——	42 21 13.83	73 47 01.40	13 37 48 80 56 38	Vineyard..... Coxsackie .....	198 37 34 260 56 08	1936.7 1023.8
Whitehead's red barn (W. gable).....	42 21 29.80	73 46 46.27	34 17 04 165 25 27	Lampman..... Wood .....	214 16 24 345 25 22	2258.9 741.3
Noble's brick yard ohlmney.....	42 21 40.36	73 48 13.46	257 45 52 203 50 09	Wood. .... Bogardus.....	77 46 45 23 50 20	1850.8 900.1
Coxsackie, upper village, Reformed church.....	42 21 41.51	73 49 19.17	316 46 05 217 05 43	Lampman..... Terry.....	136 47 08 37 03 37	3169.3 3040.2
Bogardus' house, E. gable.....	42 23 09.81	73 47 59.03	237 33 48 338 32 15	Coxsackie Island..... Bogardus.....	107 34 01 158 32 16	464.9 91.8
Coxsackie light-house..... STUYVESANT.	42 22 45.52	73 47 43.39	325 18 33 15 16 10	Wood..... Bogardus.....	145 19 06 195 16 01	1988.5 1230.7
Reformed church.....	42 23 15.06	73 46 56.46	72 07 11 125 35 31	Terry. .... Van Slyke.....	252 06 29 305 34 51	1502.4 1655.4
Lutheran church..... ——:0:——	42 23 22.78	73 46 24.41	73 04 54 273 00 08	Terry. .... Van Buren.....	252 03 50 93 02 00	2273.2 3790.4
Kinderhook Reformed church. ....	42 23 35.06	73 42 05.12	82 26 30 134 53 10	Terry. .... Tracy.....	252 22 31 814 51 30	8104.6 4747.6

[ ASSEMBLY

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Milham's house cupola.....	42	23	43.37	73	43	23.04	70	30	15	Terry.....	256	33	11	0402.3
Stuyvesant light-house.....	42	24	39.38	73	46	43.63	152	68	45	Tracy.....	353	08	00	3202.6
Bronk's barn cupola.....	42	25	31.10	73	47	18.38	1	89	18	Dailey.....	181	39	11	1137.0
Van Alstyne's barn cupola.....	42	25	53.86	73	48	16.77	214	84	31	Thistle.....	34	34	40	532.4
New BALTIMORE.							816	82	88	Thistle.....	136	33	11	1544.3
Chimney of shipyard.....	42	26	37.83	73	47	13.48	444	21	11	Van Alstyne.....	64	21	51	1499.7
Flag pole on summer house of Riverside House.....	42	26	42.49	73	47	13.83	71	13	03	Bronk.....	251	12	16	1683.8
D. R. church spire.....	42	26	43.11	73	47	21.89	126	21	87	Vanderpoel.....	308	20	56	1715.4
Bapt. church spire.....	42	26	44.89	73	47	25.15	14	09	03	Vanderpoel.....	194	09	00	850.3
M. E. church spire.....	42	28	52.34	73	47	18.29	246	43	52	Whannel.....	66	44	41	1806.5
New Baltimore dyke light.....	42	27	09.01	73	46	56.39	220	09	06	Bell.....	40	09	53	2434.9
Tower of Knickerbocker's house.....	42	27	38.96	73	46	12.57	251	07	86	Whannel.....	71	08	26	1762.3
Five Hook Island light.....	42	27	47.16	73	46	55.84	349	16	50	Vanderpoel.....	169	16	53	511.2
Briggs' monument, Coeymans cemetery.....	42	28	00.20	73	47	42.99	236	36	15	Hotelling Island.....	58	36	32	685.8
Barren Island pine (county corner).....	42	27	51.53	73	47	09.41	342	00	12	Vanderpoel.....	162	00	17	586.0
Flag pole, Barren Island.....	42	28	03.86	73	47	12.44	245	57	27	Hotelling Island.....	65	57	46	716.4
Cupola of academy in Coeymans.....	42	28	21.81	73	47	55.83	353	14	02	Vanderpoel.....	178	14	02	787.6
							262	54	12	Hotelling Island.....	82	54	26	501.4
							281	04	23	Whannel.....	101	06	01	1233.3
							20	05	33	Vanderpoel.....	200	05	19	1385.9
							235	11	22	Bell.....	55	11	27	208.0
							347	07	30	Whannel.....	167	07	38	1202.6
							276	36	37	Bell.....	96	37	11	1166.8
							34	21	27	Parsons.....	214	21	02	1463.8
							283	29	05	Bell.....	102	30	11	2399.5
							308	03	36	Whannel.....	128	04	45	2364.0
							6	44	27	Barren Island.....	186	44	27	41.85
							31	31	52	Orchard.....	211	31	36	1005.0
							74	56	46	Van Dalfsen.....	254	56	33	471.4
							258	48	02	Yellow Pine (U.S.C.S.)	78	53	04	10414.8
							222	02	59	Traver (U. S. C. S.).....	42	04	30	4628.0

NEW YORK STATE SURVEY.—GEOGRAPHICAL POSITIONS OF STATIONS — (Continued).

STATION.	Latitude.	Longitude.	Azimuth.	To station.	Back Azimuth	Distance. Meters.
Flag pole on Coeyman's dock.....	° ' " 42 28 22.71	° ' " 73 47 24.28	° ' " 179 56 49	Roha Hook .....	° ' " 359 56 49	1290.0
Schodack Landing Knickerbocker Ice Co. flag pole.....	42 28 23.20	73 46 26.54	261 15 18	Mull's Island.....	81 15 31	440.3
Coeyman's dyke Light House.. ..	42 28 29.35	73 47 04.76	47 17 23	Orchard ... ..	227 16 37	2142.3
Schodack Landing, D. R. Church Tower .....	42 28 47.79	73 46 13.58	134 01 17	Roha Hook.....	314 00 38	1834.7
Roha Hook light.....	42 28 48.82	73 47 20.12	23 06 27	Orchard .....	203 06 07	1786.3
Schodack Channel light.....	42 29 50.36	73 46 42.24	316 29 37	Bell .....	136 30 17	1979.7
School-house cupola (near Mull's) . .	42 30 23.97	73 47 16.61	186 11 06	Traver (U. S. O. S.) ..	16 11 28	2741.4
Nine-mile tree light.....	42 31 03.65	73 45 54.21	274 13 48	Ten Eyck (U. S. C. S.)	94 14 04	530.4
Castleton Dutch Reformed church .....	42 31 56.43	73 45 21.97	221 15 41	Traver (U. S. C. S.)....	41 16 48	3462 0
Cow Island light .....	42 32 14.62	73 45 21.84	271 56 25	Ten Eyck (U. S. C. S.)	91 57 26	2049.8
D. R. church spire, one mille north of Becker's Corners...	42 33 41.76	73 48 20.38	243 38 45	Traver (U. S. C. S.)....	63 39 27	1582.7
Van Wie's stone light, .....	42 35 04.16	73 45 30.15	329 00 01	Ten Eyck (U. S. C. S.)	149 00 36	2297.4
M. E. church spire.....	42 35 14.62	73 41 57.87	278 37 31	Traver (U. S. C. S.)....	98 38 37	2228.1
			326 47 02	Ten Eyck (U. S. C. S.)..	146 48 01	3563.1
			63 13 47	Vrooman .....	243 13 07	1527.2
			163 42 38	Schermerhorn Island.	343 42 29	481.8
			127 07 04	Vanderzee (bolt) .....	307 06 22	1798.4
			42 11 19	Vrooman .....	222 10 17	3128.2
			109 52 20	Vanderzee (bolt) .....	289 51 37	1538.3
			36 18 05	Vrooman .....	216 17 02	3570.4
			280 09 50	Van Denburgh (bolt)...	100 12 40	5796.6
			330 22 58	Traver (U. S. C. S.)...	150 24 47	7403.1
			334 37 41	Van Wie .....	154 37 46	386.0
			246 08 56	Cooper.....	66 00 07	394.7
			158 52 16	Rysedorph (U. S. C. S.)	338 51 26	4648.1
			114 05 43	Grandview.....	294 74 27	2986.2

D. R. church tower..... ——:0:——	43 35 16.87	73 42 01.20	150 28 50 118 27 28	Rysedorph (U. S. C. S.) Grandview .....	830 25 09 233 26 09	4554.8 2338.6
South chimney of Patterson's house.....	42 36 07.56	73 46 27.43	238 48 38 276 53 54	Rysedorph (U. S. C. S.) Grandview.....	68 50 51 98 55 35	5220.9 3443.5
Cross-over light.....	42 36 47.86	73 45 45.96	247 20 15 102 47 30	Rysedorph (U. S. C. S.) Corning.....	67 81 00 282 47 10	3812.2 602.1
Academy of Sacred Heart.....	42 37 38.67	73 46 21.63	271 25 11 854 28 54	Rysedorph (U. S. C. S.) Corning.....	91 27 20 174 28 58	4335.4 1421.0
Cupola of Olcott's house.....	42 37 51.50	73 43 13.64	354 15 07 310 33 28	Rysedorph (U. S. C. S.) Hallenbeck (U. S. C. S.)	174 15 09 180 35 33	507.3 5543.4
Presbyterian church..... GREENBUSH.	42 38 09.19	73 44 57.31	37 08 02 340 08 03	Corning..... Teller.....	217 07 09 160 08 38	2055.1 3424.6
St. John's R. C. church..... ——:0:——	42 38 24.61	73 44 21.41	221 17 40 97 23 37	Van Rensselaer..... Greenbush Ferry .....	41 18 09 277 23 08	1477.4 980.3
Albany cathedral .....	42 38 49.80	73 45 36.08	188 57 16 304 55 45	Ferris..... Rysedorph.....	8 57 31 124 57 22	3255.2 4019.6
Williams' monument, rural cemetery.....	42 41 52.52	73 44 15.70	163 40 45 254 56 12	Campbell..... Iron Works.....	343 40 41 74 57 52	542.0 3432.4
St. John's church (P. E.)....	42 43 30.73	73 41 40.09	4 32 07 124 54 50	Iron Works..... Lansing.....	184 32 02 304 53 56	2130.5 2190.3
Troy University (N. W. spire).....	42 43 44.41	73 40 59.48	344 40 31 22 30 37	Seward..... Riley .....	164 41 20 202 29 50	6248.3 4110.3
St. Peter's church (R. C.).....	42 44 15.86	73 41 08.21	87 12 06 190 51 12	Lansing..... Mt. Olympus.....	267 10 51 10 51 16	2524.3 735.5

TROY.

NEW YORK STATE SURVEY.—LOT AND TOWN CORNERS.

DESCRIPTION OF LOT CORNER.	GEOGRAPHICAL POSITIONS.			COURSES AND DISTANCES FROM STATE SURVEY MONUMENTS TO LOT CORNERS.				
	Township.	Latitude.	Longitude.	From station.	True bearing.	Magnetic bearing.	Distances.	
							Feet.	Chains.
CAYUGA COUNTY.								
N. E. corner of lot 87.....	Brutus.....	43 01 43	76 33 14	Tanner .....	N. 32 25 E.	N. 36 14 E.	8181	48.20
FULTON COUNTY.								
County boundary Mont. No. 88.....	Oppenheim...	43 01 09	74 39 42	Vedder.....	N. 84 46 W.	N. 75 38 W.	2353	43.23
S. E. corner of lot 23 .....	Oppenheim....	43 01 10	74 39 07	Vedder.....	S. 27 46 W.	S. 36 56 W.	434	6.53
HERKIMER COUNTY.								
S. E. corner of lot 20.....	Danube .....	42 57 11	74 48 05	Ostrander .....	S. 52 02 E.	S. 42 56 E.	2156	32.66
S. W. corner of lot 24.....	Fairfield.....	43 07 46	74 53 37	Barto.....	S. 70 44 W.	S. 80 15 W.	953	12.93
N. W. corner of lot 6....	German Flats..	42 59 23	75 01 57	Getman .....	N. 58 37 W.	N. 50 12 W.	1067	16.17
N. W. corner of town..	Schuyler. ....	43 10 10	75 06 59	Schuyler.....	N. 2 09 E.	N. 11 05 E.	2344	43.09
N. E. corner of lot 19.....	Starke.....	42 56 53	74 53 54	Yule.....	N. 18 12 E.	N. 27 09 E.	1504	22.79
MADISON COUNTY.								
S. W. corner of lot 12.....	Lenox.....	43 05 14	75 48 01	Allie. ....	S. 63 14 E.	S. 55 35 E.	1001	15.17
S. E. corner of lot 6.....	Lenox.....	43 03 41	75 40 02	Bulger .....	S. 10 55 E.	S. 3 39 E.	1603	24.28
N. W. corner of lot 29.....	Lenox... ..	43 01 22	75 46 25	Cranson.....	N. 33 20 W.	N. 26 14 W.	2147	32.53
MONTGOMERY COUNTY.								
N. E. corner of lot 4....	Charleston....	42 47 31	74 19 01	Oak Ridge... ..	S. 76 15 E.	S. 67 00 E.	1523	23.07
N. W. corner of lot 8.....	Minden.....	42 58 50	74 41 37	Willett.....	N. 13 39 E.	N. 22 22 E.	1992	30.18

ONEIDA COUNTY.

S. E. corner of lot 2 of allotment 4.....	° ' "	° ' "	° ' "	Rome.....	° ' "	° ' "	° ' "	1685	25.53
N. E. corner of town .....	43 13 49	75 27 53		Stockbridge....				1685	44.85
S. E. corner of lot 57.....	43 02 16	75 33 18		Vienna.....				1752	26.64
	43 14 33	75 40 56							

ONONDAGA COUNTY.

N. W. corner of lot 44; also angle of town line.....	43 05 53	76 16 50		Camillus .....				2127	32.23
S. W. corner of lot 13 .....	43 06 04	76 03 44		De Witt.....				645	9.77
S. E. corner of town.....	42 59 07	76 01 32		De Witt.....				2152	32.60
S. W. corner of lot 81.....	43 09 47	76 19 20		Lyander.....				2079	33.02
N. E. corner of lot 79.....	43 01 46	75 54 57		Manlius .....				2478	37.54
S. W. corner of lot 38.. ..	43 03 53	75 56 35		Manlius .....				2815	42.05
N. E. corner of lot 118. . .	43 00 17	76 11 34		Onondaga .....				1599	24.23
N. W. corner of lot 17.....	42 58 00	76 02 32		Pompey.....				1235	19.62
S. W. corner of lot 110.....	43 05 46	76 11 24		Salina .....				312	4.72
S. W. corner of lot 45.. .	42 55 22	76 22 52		Skaneateles....				2747	41.63
N. E. corner of lot 22.....	42 58 53	76 22 11		Skaneateles...				2020	30.61
S. E. corner of lot 42.....	43 05 42	76 16 49		Van Buren.....				3033	45.95

WAYNE COUNTY.

N. W. corner of lot 73.....	43 03 21	76 52 37		Galen.....				2207	33.44
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YATES COUNTY.

S. W. corner of lot 24.....	42 34 43	77 02 18		Milo.....				3889	58.92
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## NEW YORK STATE SURVEY.

ELEVATIONS OF THE TOPS OF THE NEW YORK STATE SURVEY MONUMENTS, ABOVE MEAN TIDE AT GOVERNOR'S ISLAND, NEW YORK, BY TRIGONOMETRICAL LEVELING.

## ALBANY COUNTY.

Vanderzee .. . . .	Bolt.	Bethlehem.... .	158 feet.*
Van Wie .. . . .	145	Bethlehem.....	28

## CAYUGA COUNTY.

Mitchell .. . . .	115	Sennett .. . . .	981
Niles .. . . .	107	Niles .. . . .	1622
Tanner.....	116	Brutus.....	755
VICTORY.....	U. S. L. S.	Victory.....	608

## FULTON COUNTY.

Vedder.....	212	Oppenheim .....	1051
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## HERKIMER COUNTY.

BARTO. . . . .	26	Fairfield .....	1652
Fairfield academy, R. R. bench at laboratory.....		Fairfield .....	1281
Getman... ..	204	German Flats.....	994
Herkimer .. . . .	208	Herkimer... ..	507
Hlon .. . . .		Hlon Village.....	549 * *
Jackson.....	206	Herkimer.....	1420
Little Falls .....	209	Little Falls.....	797
Merry.....	202	Frankfort .....	1223
Ostrander .. . . .	211	Danube.....	1274
Schuyler.....	203	Schuyler.....	1563
Shoemaker .....	210	Little Falls.....	1372
Yule .. . . .	207	Stark .. . . .	1663

## MADISON COUNTY.

Allis .. . . .	121	Lenox.....	502
Bulger .. . . .	112	Lenox.....	833
Canastota .. . . .	143	Lenox .. . . .	588

\* Top of bolt.

\*\* Top of underground mark.



ELEVATION — *Continued.*

STATION NAME.	Monument number.	Township.	Elevation of monu- ments above sea.
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MADISON COUNTY — *Continued.*

Cranson .....	122	Lenox.....	1321 feet.
Eaton.....	129	Stockbridge.....	1315
FENNER.....	130	Fenner.....	1862

## MONTGOMERY COUNTY.

Ephratah .....	217	Palatine .....	1029
Falling.....	219	Palatine .....	821
Mapletown.. ..	218	Canajoharie .....	1214
Nellis .....	214	St. Johnsville .....	588
Reaman.....	215	Canajoharie .....	799
Willett.....	213	Minden.....	894

## ONEIDA COUNTY.

Devereux .....	201	New Hartford.....	822
Hamilton College, top of chapel dome .....		.....	1004
Prospect.....	117	Kirkland.....	1380
Rome .....	142	Rome .....	506
STARR HILL.....	127	Steuben.....	1793
TASSEL.....	29	Marshall.....	1948
Vienna... ..	138	Vienna .....	568
Williams.....	205	Marcy.....	1163

## ONONDAGA COUNTY.

Carpenter.....	105	Onondaga .....	1105
Chestnut Ridge .....	111	Salina .....	498
Clapp .....	131	Pompey.....	1280
Collamer.....	144	De Witt .....	485
Consitt .....	119	Onondaga.....	700
Davison.....	128	Van Buren.....	631
Draper.....	100	Geddes.....	63
Eagle.....	123	Manlius.....	1208
FABIUS ... ..	125	Fabius.....	2020
Fairmount.....	108	Camillus. ....	736
Giles .....	114	Skaneateles.....	1265
Green.....	124	De Witt.....	974

ELEVATION — *Continued.*

STATION NAME.	Monument number.	Township.	Elevation of monu- ments above sea.
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ONONDAGA COUNTY — *Continued.*

HOWLETT HILL .....	109	Marcellus .....	1138 feet
Hoxsie .....	134	Skaneateles .....	1198
Kingsley .....	128	Van Buren... ..	537
Kirkville.....	120	Manlius ... ..	507
Munn Davis.....	140	Lysander.....	535
Olympus.....	101	Syracuse.....	681
RIPLEY HILL .....	108	Spafford .....	1968
Seeley . . . . .	137	Skaneateles....	1109
Sherwood.....	104	Camillus.....	799
Sorrel Hill.....	110	Van Buren.....	641

## OSWEGO COUNTY.

AMBOY.....	141.	Amboy .....	738
GILBERTSVILLE.....	108 *	Schroepel .....	521

## OTSEGO COUNTY.

EAST HILL.....	U. S. C. S.	Cherry Valley .....	2300
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## RENSSELAER COUNTY.

Grandview .....	149	East Greenbush.....	420
Hallenbeck .....	151	East Greenbush.....	638
Rysedorph.. . .	2	East Greenbush.....	411
Teller.....	148	East Greenbush.....	407
Traver .....	152	Schodack.....	236
Van Denburgh .....	Bolt.	Schodack.....	264*
YELLOW PINE.....	U. S. C. S.	Schodaack.....	460* *

## WAYNE COUNTY. •

CLYDE.....	U. S. L. S.	Galen.....	683
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## YATES COUNTY.

MILO.....	118	Milo.....	1343
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\* Top of bolt.

\*\* Top of underground mark.

## TABLE

*Showing approximate declination of magnetic needle.*

STATION.	County.	Township.	Variation of the needle.	Date.
			West.	
Helderberg .....	Albany. ....	New Scotland....	8 45	September, 1877
Cass.....	do .....	do .....	8 45	December, 1877
Clarksville.....	do .....	do .....	8 45	do 1877
Freleigh .. ..	do .....	Watervliet.....	9 30	do 1877
Knowersville .....	do .....	Guilderland ...	8 45	do 1877
Niskayuna.....	do .....	Watervliet.....	9 45	do 1877
Slingerland .....	do .....	New Bethlehem...	8 45	do 1877
Winn .....	do .....	Guilderland ..	9 00	November, 1877
Tanner .. ..	Cayuga .....	Sennett.....	3 49	June, 1878
Vedder .....	Fulton... ..	Oppenheim.....	9 08	September, 1880
Lampman .....	Greene.....	Coxsackie.....	9 22	do 1880
Barto.....	Herkimer .....	Fairfield . ....	9 31	August, 1879
Getman.....	do .....	German Flats....	8 25	do 1879
Herkimer.....	do .....	Herkimer.....	8 28	do 1879
Jackson .....	do ..	do .....	8 25	do 1879
Little Falls .....	do .....	Little Falls. ....	7 21	September, 1880
Merry .....	do .....	Frankfort.....	8 38	August, 1879
Ostrander.....	do .....	Danube .....	9 06	September, 1880
Schuyler .....	do ..	Schuyler .....	8 56	August, 1879
Shoemaker.....	do .....	Little Falls. ....	8 08	do 1879
Yule .....	do .....	Starke.....	8 57	do 1879
Allis.....	Madison ..	Lenox.....	7 30	July, 1879
Bulger.....	do ..	do ..	7 16	do 1879
Canastota .....	do .....	do .....	7 24	do 1879
Cranson.....	do .....	do ..	7 16	do 1879
Eaton.....	do ..	Stockbridge. ....	7 56	do 1879
Nellis .....	Montgomery.....	St. Johnsville....	9 26	October, 1880
Oak Ridge .....	do .....	Charleston.....	9 16	do 1880
Roman.....	do .....	Canajoharie.....	9 10	do 1880
Willett.....	do .....	Minden .....	8 43	September, 1880
Prospect .....	Oneida.....	Kirkland .....	8 35	July, 1879
Rome .....	do ..	Rome .....	7 52	do 1879
Tassel.....	do .....	Marshall ...	8 00	August, 1879

TABLE—(Continued).

No.	County.	Township.	Variation of the needle.	Date.	
			West,		
.....	Ononda .. . . .	Vienna. ....	8 24	July,	1879
.....	do .. . . .	Marcy .. . . .	8 58	August,	1879
.....	Onondaga.....	Pompey.....	7 12	do	1878
.....	do .. . . .	De Witt... ..	7 20	July,	1879
.....	do .. . . .	Onondaga. ....	6 46	August,	1878
.....	do .. . . .	Van Buren .. . .	6 34	do	1878
.....	do .. . . .	Manlius.....	7 17	do	1878
.....	do .. . . .	De Witt.....	6 50	do	1879
.....	do .. . . .	Marcellus.....	6 50	do	1878
.....	do .. . . .	Manlius.....	7 03	July,	1879
.....	do .. . . .	Marcellus .. . .	5 50	August,	1878
.....	Schenectady.....	Esperance .. . .	9 30	November,	1877
.....	do .. . . .	Duanesburg. ....	8 30	do	1877
.....	do .. . . .	do .. . . .	9 15	do	1877
.....	do .. . . .	Glenville .. . .	10 15	do	1877
.....	Schoharie.. . . .	Schoharie.....	9 00	do	1877
.....	do .. . . .	Summit. .. . .	8 43	do	1877
.....	do .. . . .	Richmondville. ...	9 00	do	1877
.....	Wayne.....	Galen .. . . .	5 43	June,	1878
.....	Yates .. . . .	Milo.....	7 15	do	1878





## APPENDIX.

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### METHOD OF MARKING TRIGONOMETRICAL STATIONS.

The ordinary method of marking State Survey stations is shown in the adjoining sketch.

The underground center-mark is a glazed earthen-ware pot, similar to a flower-pot. It bears the letters N. Y. S. S. upon its base, and the small hole in the center of the base marks the precise center of the station.

The surface mark is a granite monument four feet long, and six inches square, weighing about one hundred and eighty pounds. This monument is sunk vertically  $3\frac{1}{2}$  feet. The bottom of the stone is separated from the pot below by about three inches of earth. The part of the monument remaining above the surface of the ground presents the form of a cube whose side is six inches; this portion of the monument only is dressed smooth. The letters N. Y. and S. S. are cut upon two of the vertical faces of the stone, and the number of the station (146 in the sketch) is placed upon one of the remaining faces.

Diagonal lines are cut upon the upper surface of the stone, their intersection being in the vertical of the center-mark below.

It is to the level top of the stone that the height of the station is referred. The granite of which these monuments are formed is of a variety not to be found in the State, and its peculiar appearance readily enables the station to be identified.

As an additional security, and to enable any displacement of the monument by frost, etc., to be ascertained, two reference pots are placed at a distance of three feet from the station center, and  $1\frac{1}{2}$  feet below the surface of the ground.

These pots are like the one below the monument, but bear strongly-marked arrows upon their bases. The arrows point toward the station-center. The angle between the pots is approximately  $90^\circ$ , and when convenient they are placed in the directions of two of the cardinal points. In all cases the magnetic bearing of each pot is taken, so that if but one pot should be found the station-center could be recovered with accuracy. It is best, however, to resort to measurement from both pots.

The usual method of marking, here described, must at times be

When rock is struck near the surface the center pot is by a copper bolt; sometimes both reference pots are also by copper bolts. It may be convenient to alter the distance of the pots in order to find soil enough to permit of their being very rarely the center bolt is placed at the surface of the monument is placed at one side, where a sufficient depth may be found. In this case the monument merely serves as a mark to enable the center bolt to be recovered. In all useful notes are made of the distances and directions, and also made showing the position of the station in relation to the surrounding country. In most cases measurements and directions to permanent objects in the vicinity, such as farm corners, large boulders, etc.

When the station is occupied for the purpose of measuring the triangulation, it is customary for the observer to record the angles between any permanent objects like house corners, gables, church spires, etc., which may be visible within a mile or two of the station. By the aid of these angles, without recourse to distances, the station could be recovered very nearly, should the monument be maliciously removed, and by digging the underground marks could be found.

As a last resort, the angles of the triangulation could be remeasured to neighboring trigonometrical stations, and the station recovered even if all the marks should have been entirely

## EXPLANATION OF THE TABLES.

The central chain of primary triangles across the State has not yet been completed or adjusted, the geographical positions now given are only primary and approximate.

The northern group of points depends upon the initial latitude and longitude used by the United States Coast Survey, which is the most accurate we have, since it is the mean of observations taken at many separated places and reduced geodetically to one station. The corrections to these points will therefore be very small. But the southern group depending, as it does, on a few determinations of position along the shore of Lake Ontario, used for preliminary work of the United States Survey of the Western and North-west, will be liable to a larger correction when the work is all reduced to one base. It is not anticipated that the change in geographical positions will be large enough to show on a map of 1:300,000 scale, and the azimuths and distances between points are accurate as the figures given. In the first table the places are classified into three groups in alphabetical order.

The first column on the left contains names of the several stations or triangulation points. These are generally either prominent objects of permanance — such as spires, or they are points on com-



manding hills where signals have been erected for the purposes of the survey, and which are marked on the ground by granite monuments.

Sketches have been made showing the configuration of the land around these stations, and their exact relation to the most prominent neighboring objects, including buildings, fences, roads, etc. These will serve hereafter to assist surveyors in finding points that have for any reason become obscure.

In case where minute descriptions are thus required, they may be had by application addressed to the Director of the New York State Survey, Albany.

Names of primary triangulation stations are in small capitals. All azimuths are reckoned from the south, around to the right through the west, so that the azimuth of points due south, west, north and east, are respectively  $00^{\circ}$ ,  $90^{\circ}$ ,  $180^{\circ}$ ,  $270^{\circ}$ .

The column headed "Azimuth," gives the true bearing from the station in the first column to the one in the ninth column. The Back Azimuth shows the true bearing from the stations in column nine to those in column one.

The length of the meter used is 39.3704 inches, or 3.2809 feet, or 1.0936 yards.

After the table of geographical positions of stations comes a table of points on county lines, which have been carefully determined.

The geographical positions of points located on the Hudson river occupy the next fourteen pages.

A table follows, containing the location of corners of lots in the old rectangular surveys. These old lot corners are the reference points on which land titles rest. They can only be preserved by accurately fixing their position. Every effort will therefore be made to add to this table.

The next table gives a list of the elevations of fifty points, determined by careful trigonometrical leveling between State Survey stations, the chain being connected with the canal leveling of 1876, at Clyde, Salina, Kirkville and Canastota. The results of these checks indicate that the uncertainties of the elevations given are not so great as those from ordinary leveling operations over the same ground. The initial datum plane for heights is considered the mean level of the sea, as determined by the U. S. Coast Survey at Governor's Island, New York. From the Governor's Island tide gauge a line of levels has been run by the Coast Survey up the Hudson to Albany, where the benches have been carefully connected with those of the Erie canal. It is upon this chain that the elevations given in the table depend.

The last table is one showing the approximate variation of the magnetic needle from true north at fifty-three points, distributed through thirteen counties. They are given with enough precision to meet the requirements of common surveying.

JAMES T. GARDINER, *Director.*



# STATE OF NEW YORK.

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No. 95.

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## IN ASSEMBLY,

APRIL 28, 1882

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### REPORT

#### OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 508, printed No. 573, entitled "An act to provide for greater safety for persons attending theaters and places of amusement," reported in favor of the passage of the same, with amendments, as follows:

To insert as section three as follows: "The provisions of this act shall not apply to the counties of St. Lawrence, Wyoming, Livingston, Tompkins and Ontario"; also change section three to section four.

Said bill was ordered reported by the following vote:

#### *For the Affirmative.*

Browne,  
Cock,  
Van Dusen,  
M. R. Jones,

Scott,  
Welch,  
Morrison,  
McCarren,

Benedict,  
Ross,  
Beers,  
Page.

12

#### *For the Negative.*

Erwin.

1

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 503, printed No. 547, entitled "An act in relation to the creation and formation of stage companies in the towns and villages of the State of New York," reported in favor of the passage of the same, with amendments, as follows:

Section four, line two, strike out the word "the," before the word "act," and insert "chapter forty of the Laws of eighteen hundred and forty-eight, entitled"; also in lines three and four, strike out the words "passed February seventeenth, eighteen hundred and forty-eight."

Said bill was ordered reported by the following vote:

[Assem. Doc. No. 95.]

1

*For the Affirmative.*

Browne,

Welch,  
Morrison,  
McCarren,  
Benedict,  
Erwin,Ross,  
Beers,  
Noyes,  
Page.

14

from the sub-committee of the whole, to which was re-  
solvedly bill, G. O. 154, printed No. 195, entitled "An act to  
287 of the Laws of 1879, entitled 'An act to provide  
on of county and town co-operative insurance com-  
mended by chapter 397 of the Laws of 1880," reported in  
favor of the same, without amendment.

ordered reported by the following vote :

*For the Affirmative.*Welch,  
McCarren,  
Benedict,Erwin,  
Noyes,  
Page.

9

from the sub-committee of the whole, to which was  
assembly bill, G. O. 390, printed No. 429, entitled "An  
act to amend chapter 347 of the Laws of 1878, entitled  
"An act to amend chapter 371 of the Laws of 1875, entitled 'An act  
to amend the charters of all savings banks or institutions for savings  
banks, and to provide for the supervision, and for the ad-  
ministration of their affairs,' " reported in favor of the passage of the  
bill, without amendment, as follows:

to delete the words "section two," in the first line of the

ordered reported by the following vote :

*For the Affirmative.*Scott,  
Welch,  
Morrison,  
McCarren,  
Benedict,Erwin,  
Ross,  
Beers,  
Noyes,  
Page.

15

from the sub-committee of the whole, to which was  
assembly bill, G. O. 456, printed No. 516, entitled "An  
act to amend and provide for the construction of a plaza in Fourth  
and Sixth streets and Sixty-sixth and Sixty-seventh streets in the city of  
New York, and in favor of the passage of the same, without

ordered reported by the following vote :

*For the Affirmative.*

McClelland, Cock, M. R. Jones, Scott, Welch,	Morrison, McCarren, Benedict, Erwin,	Ross, Beers, Noyes, Page,	13
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*For the Negative.*

Browne.	1
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Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 429, printed No. 108, entitled "An act regarding membership in the Homœopathic Medical Society of the State of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, Cock, Van Dusen, Scott,	Morrison, Benedict, Erwin,	Ross, Beers, Page.	10
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Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 544, printed No. 23, entitled "An act to authorize and direct the county clerk of Niagara county to record certain notices of pendency of actions now on file in the Niagara county clerk's office," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, Cock, Van Dusen, M. R. Jones, Scott,	Welch, Morrison, McCarren, Benedict, Erwin,	Ross, Beers, Noyes, Page.	14
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 579, printed No. 184, entitled "An act to authorize George Stevenson, of Cornwall, Orange county, to establish and continue a ferry across the Hudson river from Cornwall Landing, in the county of Orange, to the opposite side of the river," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, Van Dusen, M. R. Jones, Scott,	Welch, McCarren, Benedict,	Erwin, Noyes, Page.	10
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# STATE OF NEW YORK.

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No. 96.

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## IN ASSEMBLY,

APRIL 28, 1882.

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### REPORT

OF THE SELECT COMMITTEE ON THE SUBJECT OF  
PRIMARY ELECTIONS IN THE STATE OF NEW YORK,  
APPROVED BY THE THREE MEMBERS OF THE COMMIT-  
TEE—MESSRS. BROOKS, HICKMAN AND CHAPIN.

The select committee, to whom was referred bill No. 77, bill No. 75 and bill No. 16, the first by Mr. Brooks, and the second and third by Mr. Hickman, have had each of them, from time to time, under discussion, and beg leave to make the following report to the Assembly, as the embodiment of some of the reasons why the bills now submitted should become State laws :

The bill presented presupposes the existence as well as the necessity and wisdom of an orderly, intelligent and patriotic preliminary meeting. It means that all political power is lodged in the people ; present practice means that all political power is, and if continued, shall be, lodged in primaries. Now, the few control the many. With this law the many will control the few. Now, patronage and place control the people. Then, if the proposed bill becomes a law, the people will be the masters of both place and parties under well-regulated laws. Now, minorities rule. Then majorities will govern.

Parties by the proposed law are not interfered with while the principles of government and the representatives of these principles are respected.

The bill means only honest primary elections in places where all voters will or can meet to secure a free and direct choice in the nomination of candidates. Self-constituted associations cannot do this and have no disposition to do so. The proposed law promotes intelligent voting. It permits of public discussion in public places in the presence of men of opposing opinions and people, all of whom are to be voting citizens. It forbids false records, false returns, and every attempt to count falsely or to fill the ballot-boxes with votes not placed there by voters. It seeks to prevent crime, and punishes it when discovered.

Negatively, the bill does not mean the mere legalizing of party associations, nor the creation of voluntary returning boards, with jurisdiction over elections. Its powers are to be chiefly advisory, not mandatory. It exposes frauds and hence prevents them, and it also prevents, measurably, at least, the purchase of votes.

There are not only ten rich men where there was one aforetime, but ten cases of corruption, where there was not one in years gone by. Ex-President Woolsey recited the case not long ago of the Governor of a State to whom an Irishman presented himself just before election with the offer of twelve votes controlled by him, and which he threatened to carry over to the rival candidate, unless his terms were accepted. The Governor had scruples against the transaction, but he finally bought the votes. He learned that the man afterward went to his rival and sold twelve votes on that side, so that neither candidate gained by the transaction. The bill reported puts an end to political "bosses," who now master existing primaries, which govern the elections. The present system makes bosses, whose powers over legislation will never end. Neither reason alone, nor argument alone, nor any thing short of absolute change and reform in primary meetings will cure existing evils.

#### PRESENT PRIMARY MEETINGS.

The primary Republican meetings in New York city, including all district organizations, are attended by a few thousand persons who claim to represent the full Republican party, when the full Republican vote for President in 1880 was 86,730, and for Secretary of State in 1881, for the city, 55,225. The Democratic vote in New York city in 1880 was 123,015, and in 1881, 91,957. A full city vote of the two parties would represent at least 215,000 ballots at the polls when elections are held in November, and a proportionate vote, when the elections represent only State or local interests.

No full attendance at primaries can now be obtained. They are held simply to elect delegates to conventions. The result of such elections is frequently fixed up by some ring influence.

The better elements of the two parties will not go to primary meetings in the evening under any existing circumstances, nor at any hour at the risk of being hustled or jostled by intoxicated men. This is admitted in the city of New York. The bill, therefore, proposes that in every primary meeting, citizens vote directly for their nominees, and not for delegates to a nominating convention; that the polls should be kept open all day, if need be, so that citizens can consult their own convenience as to hours; that the sanction of law shall be given to these meetings; that there shall be penalties for frauds committed, for disturbances by violence, and for the non-enrollment of voters.

In Richmond (Va.), during the last ten years, the citizens in primary meetings have voted directly for political candidates. The polls are open all day, and the result is the extirpation of municipal bosses and a full vote. In 1876, when all the municipal offices were to be filled, 6,200 Democrats, out of 7,500 registered, voted in the nominations at the polls of the primaries. The nominating power can be changed from nocturnal gatherings, and given to the main body of voters vot-



ing in daylight ; under the same guarantees, in the elections, in great cities at least, an enormous gain, both for politics and morals, can be maintained

#### NOTABLE EVENTS.

As far back as 1830 the increase of official patronage excited public alarm. Then the popular vote was not one-third of what it now is. The national vote has increased since 1832, from 1,217,691 votes to 8,288,564 in 1876, and to 9,209,271 in 1880. With this increase of the voting power, the old caucus system was an improvement upon present primary meetings, and the present primary meeting is a world behind old-time town meetings.

Even General Jackson, who used the patronage of his office far beyond his predecessors, urged that the masses of the people should control nominations. U. S. Senator Benton also, in 1824, and again in 1844, urged the same control over executive patronage. John C. Calhoun said of national conventions, "I can conceive no scheme better calculated to annihilate the control of the people in a Presidential election, and rest it on those who live, or expect to live, upon the government than the practices of my own time."

#### PRESENT PRACTICES OF THE PEOPLE.

The Nation at large, with its States, counties, towns, cities, districts, have in the past been ruled by primary meetings and primary meetings have ruled, especially in large cities and villages, by deceit, fraud, purchase, and almost every possible kind of personal corruption. In its purposes and results, the present practices are far removed from the people for all elective offices. Interested and selfish agencies, now control elections. Citizens of this State and of the United States have become disheartened and defeated through these agencies. To remove this evil, intelligent and patriotic citizens must use authority which has been usurped ; which has been assumed by political bosses, masters and agents. When this is done success will depend upon the willingness of the people to protect their own interests, and secure the public welfare. Failing to do this, the people will deserve their own fate, and prepare the way for a final loss of popular power and for the creation and institution of a despotism, which in the past has destroyed the autonomy of so many States, kingdoms and empires, in the history of the world.

#### THE SPOILS SYSTEM

now in use, had its origin among Barbarian Conquerors. There was nothing of it in the beginning of the government, Washington named only fit men for office and put in office Federalists and Anti-Federalists. The rule under Jefferson was, "Is he honest ? is he capable, will he be faithful to the Constitution ?"

The Declaration of Independence and the Constitution of the United States and of this State look simply to equal States, equal citizenship, equal rights and privileges.

Judge Biddle, of Pennsylvania, in sentencing David Monant, of Philadelphia, in December last, for election irregularities, truly said:

"The purity of the ballot-box and the jury-box are at the foundation of our government, and one of the most beautiful traits of our

people is the fact that after a contest, no matter how bitter it may be, all acquiesce in the decision of the ballot-box, because they believe it to be correct. Destroy that belief and we become like the South American republics. A most melancholy feature is that men otherwise upright and of good character think it natural to cheat in favor of their party, and the idea that because election officers acquiesce in others' touching or altering papers it does not constitute an offense, though it is a misdemeanor in themselves to touch them before being sworn, is one of which the minds of these men must be disabused."

The non-partisan press and the most intelligent press of the State favor the principles and plans embodied in the bills now reported, and a recent State convention held at Utica, composed of citizens known as Anti-Monopolists, made this record one of their platforms:

"Amendments to our election laws which will better secure to the people the power to select candidates for office."

The *New York Times*, of March, 1882, in commenting upon the provisions of the bills reported, said:

"This reform would be the doom of 'bosses,' especially of that small breed who arrogate to themselves the distribution of nominations and make public officers the creatures of their will. It would furnish an encouragement to honorable political ambition among the people and an incentive to honest and independent action in public life. It would make legislators and public officials of every grade feel their responsibility to the people and their dependence on public confidence, and would purge our politics of much of the corruption that springs from the selfish scheming of managers who so largely control the action of caucuses. It is a reform decidedly in the interest of the people of all parties, and there is no reason why it should not be favored by that respectable class of politicians who now owe their position to popular esteem and confidence and would gain rather than lose by a more direct dependence on popular support."

The history of William M. Tweed shows the effect of controlling primary assemblies, where nominations in primary meetings were equivalent to elections. To gain this one-man power it was only needed to control caucus agencies created by himself. The Democratic majority in the city being then very large, the subsequent election degenerated at once into a farce, upon all local issues, and into a sad drama in all general results. Control of these primaries and conventions was secured by one appointment as the superintendent of public works. In Mr. Tweed's day and under his rule the central point of all power was city patronage. The cost of his rule to the people of New York city alone has been named at \$150,000,000, and the cost to the State nearly as much more.

The city of Brooklyn is about the only city where business principles in politics have been applied, and their application was made clearly in defiance of all regular organizations in both parties. To one man who sacrificed his own organization by withdrawing from the canvass was the credit due of the success which finally attended the popular election.

The saving already effected in this one city we are assured would pay the cost of several preliminary elections in all the State. To secure this result citizens refused to abide by caucus dictations and unless

some better primary system is adopted the so-called "regulars" will again assume authority, lost through the accident of a fortunate popular nomination.

In the strong Republican counties of Allegany, Cattaraugus, Cayuga, Franklin, St. Lawrence and Yates, there are (less aliens) 74,270 voters. The vote last year was 50,580, 23,690 remaining away from the polls. What is true of these counties is true of nearly all the counties of the State. They are named here in the belief that thousands of citizens fail to attend primary meetings because they are controlled by bosses and run by machines. In the more evenly-balanced counties of Albany, Chemung, Lewis, Montgomery and Niagara there are 75,443 voters. The vote last year was 63,150, 12,293 only remaining away from the polls. In the former counties the election was real as to State officers, and the local elections were settled by the nominations of the stronger party. In the latter the election was real as to both, and the result uncertain. Hence, over 11,000 more citizens availed themselves of the franchise in the latter than in the former. Under the principal bill now reported the minority will always have at least a voice in the nomination of candidates, and can, by their presence and votes, influence the result in regard to candidates to be elected. The bills reported mean an urgent, honorable and patriotic appeal to take part in the nomination of State officers, instead of a temptation to abandon them to the selfish men who control them for the benefit of the few against the many.

Returning boards and conventions are operated upon by machines and often control results, no matter what votes may be cast. Frauds are perpetrated in almost every locality. In the aggregate they produce an enormity of evil, as witnessed in the close Presidential election of 1876, which threatened the peace of the country and which has left a wound which no time can wholly heal.

Greater violence is oftener done to popular convictions, preliminary to election, than it is possible to commit at the general election.

It is also wise to dwell upon the necessity, as far as possible, of a complete divorce of local from national questions, in all State and local elections, and to secure some system that will accomplish this result. The tendency of public sentiment everywhere is in the direction of MUNICIPAL REFORM, and the proposed system should be commended by all citizens who desire honesty and intelligence, both within and beyond mere party organizations and assemblies.

#### REMEDIES AND STATUTES.

To give legal authority for what is asked for, there must be

*First.* A primary meeting held upon a certain day, and with full notice to the people.

*Second.* The meeting must be conducted under imperative provisions of law, to secure order and protect legal votes.

*Third.* Where there is no law, there will be no remedy, and the law must reach present difficulties. The law as it is only reaches those disposed to violate it.

*Fourth.* The law as it should be will not only make pure the subsequent general elections, but secure a vote nearly as well attended as the final election.

*Fifth.* The proposed law invites, secures and compels reformation at both the primary and general elections. Men would act under the law, as they would in their business relations. What begins in purity of purpose and conduct will end in peace, good will and general satisfaction.

#### EXAMPLES AND LAWS.

In the State of New York, there has been upon the statute books a law forbidding bribery and intimidation at the primaries or conventions of political parties, for nearly twenty years, and very little attention is paid to the law. The fact that there is such a law is known to very few of the people.

In Pennsylvania there is a like law, and the evidence is that it was framed with care and placed upon the statute books for the same purpose. These laws are unobserved, because they do not reach by punishment the intended purpose of the law. In Ohio a law known as a "Baber Law," provides for primary elections by notices to be published and posted and presided over by judges, and clerks to be sworn in the machinery of challenging the voters. But though the law has been upon the statute books for several years, it is not enforced anywhere, as its terms direct, for the reason already stated. On all these measures, the chief defects are the absence of legal authority, and the use of bad political agencies, which not only usurp to themselves the control of legal authority over nominations, but also seek to maintain that control by defeating, through every expedient, every effort of the people to participate in agencies essential to the regularity and the decencies of popular elections.

#### PRESENT FRAUDS AND THE OATH TO PREVENT THEM.

The present frauds at caucuses or primaries may be classified as "outside" and "inside." The *inside* are those included under the general head of ballot-box stuffing, false counts and false returns. The *outside* frauds are those comprehended in the importation of voters from outside the caucus district and repeating at the polls. If the short bill now reported is passed, it will at least and at once cut up the outside frauds by the root. It does not propose legislation to compel the administration of an oath by the caucus chairman, but simply permits the administration of such oath. The reason for this is—even if mandatory legislation as to primary voluntary assemblies of the people for the purpose of putting candidates in nomination, can be of questionable propriety,—there can be no doubt of the propriety of permitting the chairman of a caucus, if he sees fit to do so, to administer an oath such as is provided for in the short bill now presented. If the chairman will not administer the oath, unless compelled by the law to do so, he will be compelled to do so, either by the local authorities who have the general regulation of caucuses, or by the sentiment of his own party, and if, when a voter is challenged, the chairman refuses to put the oath which he may lawfully administer, he at once discloses his unwillingness to have a fair caucus, and furnishes in the most open manner an unquestionable fact upon which the indignant voters may stand and take their remedy at the election

polls, and when once a bad man is prosecuted in good faith, not to say convicted, for perjury under the act, importations from outside wards, and repeating at the caucus polls will be at an end.

In this result alone an immense stride will have been made toward protecting the rights of voters at primary assemblies. The caucus thus brought into the light of day, decent people attending such assemblies will feel that they are under the protection of law and appear to vote.

The objection has been urged that the plan now proposed only puts the caucus agencies one reserve back of the preliminary election. Under Senator Benton's system this would be so, but where a vote is taken inside of a party meeting it cannot be, as the partisan sense only is satisfied, and combinations for purposes of patronage cannot be sustained, where the masses, if not compelled to sustain them, must sacrifice vital principles of duty.

Combinations for selfish purposes could not stand a moment where the popular conscience was free, and backed by the attendance of the best citizens of the State. The present hope and work is in stifling the expression of the masses of the party even in the present primary assemblies.

The intent now too often is not only to trifle with, but to control the best public opinion and the best interests in all that belongs to the permanent public welfare. We pass from bad to worse in the State when we quietly submit to any public wrong in legislation or in elections.

Riotous proceedings in our present political assemblies gradually find their way into public elections. The introduction of the fraudulent practices which are now unpunished by the law at the one point can only be prevented at the other by the exercise of care, which would not be required if associated with enforced legal and proper selection both in the primary meeting and in the final election.

#### REGISTRY LAWS MAKE THE CHIEF EXPENSE.

The registry laws now applicable to New York and Brooklyn could be relieved of some of their stringent regulations. It is doubtful if in most of the smaller cities of the State, and places adjacent thereto, where registry is now required, whether under the new proposed law these expensive regulations, where no registry of citizens is required there would be any increase of expense except for the one day's service of inspectors of election, representing both parties and elected by the people. The adoption of this system would at most involve a small expense to the people, and would soon result in reducing the present expenses belonging to all popular elections. At present in this State there are five registry days, and only one election day in each year, in this State. Formerly there were three election days in parts of the State. The cost of a general election in the city of New York is about \$150,000, and the cost of an election throughout the State, outside of New York city, is nearly \$250,000. The additional cost of a preliminary election provided for in this act would be about \$80,000 for the whole State. *One less registry day would almost save this expense.* The enhanced cost of recent elections are largely due to the fact that the habits engendered by selfish contestants at the primaries have been transferred to general elections.



### THE REMEDY FOR THE EVIL

is not alone in legalizing the action and vesting with legal authority the small element which controls primaries, *but in the submission of the action of these elements, in common with those representing every other shade of popular interest, to the united or combined action of the masses of men of all parties*, leaving to them the final decision, and affording to them full protection. The right thing to do consists in divesting the elements which now control all the powers of final decisions as to nominations and vesting this power in the masses of the people. To the failure of the people to participate in the preliminary proceedings involved in the selection of candidates is due the existence of restrictions imposed by the agencies which control them and to the distance between the voter and the delegate — the primary and the convention — the proper remedy must provide for the direct action of the voter upon the candidate and the removal of all obstructions to the exercise of popular right, and the safety and protection felt in the discharge of a popular duty.

### PRIMARY AND FINAL ELECTIONS.

It is far better that the final election should be made by politicians through committees and caucuses and conventions, than that these instrumentalities should be vested with the control over the selection of candidates. Better permit the people to have *a free control over the selections of the two or more men* to be invested with the authority of government, and leave to the politicians the choice as between one or the other, than to permit that element *to control the selection and limit the authority of the people to a choice between the names presented* by these agencies. Considering the important functions performed by the elected State officials and of local officials, and the immense interests connected with the power they have, the trouble and cost sink into comparative insignificance.

The political control of the State involves the control of nearly ten millions of taxes for State purposes, of nearly fifty millions of taxes for local purposes, of the management of debts amounting (in corporations and property) to hundreds of millions. The room for honesty and economy is without limit of space or amounts in money and taxes

### NOMINATIONS AT PRESENT.

In two-thirds of the States of the Union, so far as they belong to the election of State officers; in two-thirds of the counties for county officers, and in two-thirds of the Senate and Assembly districts, so far as they are concerned, are absolute equivalents to the election of the candidates who happen to be nominated by the prevailing political parties within these States or the districts of the States.

The people go through the same form every year and vote with the knowledge, on the part of the voter with the majority that his candidates will be successful; and on the part of the voter with the minority that in no possible contingency will he be successful. Almost every member of the Legislature can name two out of every three States in the Union, and two out of every three counties in the State, which will certainly give a majority at the coming election for the candidates of one

or the other of the parties. The effect of this is not only to vest these nominating agencies with the control of the selection of the candidate, but places them under the control of the election which follows, and so what is really the farce played at the primary is continued by this process into the more sad drama or farce of what is called a popular election. The election, indeed, is merged in the nomination.

#### RIGHTS OF MINORITIES.

The effect of the proposed law permits minorities to participate in the selection of all candidates whose election is possible. At present the voter is confined to a selection between a candidate presented by agencies, not his own, and by persons who assume to speak on the one side for a national party called Republican, and another candidate presented by agencies which assume to speak for a national party called Democratic.

The choice is not only forced upon him, but the issues presented may have no relation to the local concerns of his county, or of his State. These candidates are the only ones at elections within said political divisions. If he should choose, at a preliminary election, between candidates agreeing with him in political belief, his choice would be made between them in reference to some question upon which they were at variance, and these questions would necessarily relate to local or State considerations, and hence the tendency of this system would be to bring into prominence all important local issues.

#### MEN, PRINCIPLES AND PARTIES PROTECTED.

The new system will represent men, principles and parties. The new law will place in power representative party men and action. At the present time citizens of all parties, recognizing their political exclusion from the caucus, will not accept nominations from agencies which prevail in the caucus. Recent events show a widely prevailing rebellion against these agencies. Practically no regard is paid to them, and the people have expressed their demand, on every occasion, for some means by which they may be insured a fair expression of their views without being compelled to submit to the dictates of combinations, cliques and bosses, or to be dictated to by the office holders or seekers of office. The present caucus and primary is doomed by public opinion, and partially by public action.

It only remains to establish a system which may receive a natural and efficient expression of opinion in the form of law. What is now asked for will, in time, be the law of the State, and the sooner the better. The aid asked for is in the interest of order, law, decency, patriotism, and of every public virtue. In pleading for a State policy like this, your committee ask that in place of the continued "law's delay and insolence of office," that what is now sought for should not only be done and well done but done quickly.

Your committee do not expect to see parties nor party politics abandoned, nor is it desirable that they should be. Men who belong to no party may neglect the State and all that belongs to intelligent citizenship and important public duty. Robespierre boasted that "he belonged to no party," but like many men all over the world

“he belonged to the party which best served his own ends.” It was the wise law of Solon that “all men were infamous who attempt to be neutral in times of public danger.” There is no place for neutrals in a country where there is a choice between good men and bad men, between good principles and bad principles, between good government and bad government. Toleration in politics is always needed in the State, in the church and for all honest differences of opinion. There is, however, the broadest differences between party spirit and public and private duty. It was party spirit and intolerance which twice brought Gallileo to the inquisition for declaiming that the earth moved and the sun stood still. It forced Aristotle into exile, Socrates to receive the fatal hemlock, Copernicus to perjure his own soul; Seneca, in the means of self-destruction forced upon him, to bleed to death, and pronounced Pascal guilty of heresy because he believed in a single fact in the science of pneumatics; but with all these sad and mad precedents in history, the truth stands as clear as the sun in the heavens, as expressed by Benjamin Franklin in 1731, that the great affairs of the world in wars and revolutions are carried on and effected by parties. James Madison, in the same spirit, in one of his papers in the *Federalist*, declares that an extinction of parties necessarily implies either a universal alarm for the public safety, or an absolute extinction of liberty, and the words of Washington, embodied in his farewell address to the people whom he loved, saved and directed, expressed the whole truth when he said that “Party spirit is inseparable from our nature, having its roots in the strongest passions of the human mind. It exists under different states in all governments, more or less stifled, controlled or repressed, but in those in the popular form it is seen in its greatest weakness and is truly their worst enemy.”

It is this evil spirit which your committee seek by law, as far as possible, to direct and control. There are times and places, as in public corporations, in public and private school meetings, in old time town meetings, in the church and in the State, where men of different creeds and parties can meet together, discuss public men, public questions and the qualifications of candidates, and where when they cannot agree upon one man or one class of men, can at least aim to secure the best men of each party and agree to differ in an honest, earnest, manly support of the best men of their own faith and party. First pure and then peaceable should be the rule of action upon all questions of public policy, and in the discharge of all the duties which belong to patriotic, responsible, and personal citizenship. These are the principles of the bills now presented to the Assembly and earnestly recommended to the favorable consideration of their fellow-members in the Legislature of the State.

Respectfully submitted,

ERASTUS BROOKS,  
ARTHUR W. HICKMAN,  
ALFRED C. CHAPIN.



# STATE OF NEW YORK.

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**No. 97.**

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## IN ASSEMBLY.

MAY 1, 1882.

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### LIST OF GENERAL ORDERS.

G. O.

591. An act to amend sections 54 and 55 of chapter 358 of the Laws of 1863, entitled "An act establishing a quarantine and defining the qualifications, duties and powers of the health officer for the harbor and port of New York."
592. (Printed Senate No. 146.) An act to amend chapter 361 of the Laws of 1881, entitled "An act to amend chapter 542 of the Laws of 1880, entitled 'An act to provide for raising taxes for the use of the State upon certain corporations, joint-stock companies and associations.'"
593. An act to amend part 1, chapter 9, title 7, of the Revised Statutes, entitled "Of public buildings and erections."
594. (Senate.) An act to amend Penal Code.
595. An act to provide for the rebuilding of Washington and Clinton markets on the present sites of said markets in the city of New York.
596. An act to provide for the erecting of a new hall of records for the use of the register of the city of New York.
597. An act to authorize the city of Binghamton to purchase the lot on Whitney street in the fourth ward in said city of Augustus L. Harding.
598. An act in relation to the publication of calendars and legal notices in the city of Brooklyn and county of Kings.
599. An act in relation to sewers and drainage in the city of Brooklyn.
600. An act to amend chapter 338 of the Laws of 1870, entitled "An act to authorize the city of Buffalo to grant the use and occupation of a part of Busti Terrace to the Mechanics Institute of said city, passed April 21, 1870."

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601. An act to amend chapter 99 of the Laws of 1879, entitled "An act to reorganize the fire department and create a board of fire commissioners for the government of the same for the city of Cohoes."
602. An act to repeal chapter 737 of the Laws of 1872, entitled "An act to alter the commissioners' map of the city of Brooklyn."
603. An act relative to chapter 582, Laws of 1880, entitled "An act to provide for excavating and bridging for transportation purposes in cities and villages of this State."
604. An act to provide for the grading and paving of Dwight, from Delavan street to Elizabeth street in the city of Brooklyn.
605. An act to regulate the quality and price of illuminating gas and to provide for the office of meter inspectors for the city of New York.
606. An act in relation to cleaning the sewer in the city of Brooklyn.
607. An act to except and exempt the city of Cohoes from the operation of chapter 431 of the Laws of 1881, entitled "An act to amend chapter 324 of the Laws of 1850, entitled "An act for the preservation of the public health and the acts amendatory thereof, passed May 28, 1881.'"
608. An act to amend an act entitled "An act to provide for a supply of water in the village of Cohoes, passed April 12, 1856," and the acts amendatory of the same.
609. (Senate.) An act to confirm certain conveyances of real estate delivered by the mayor, aldermen and commonalty of the city of New York.
610. (Printed Senate No. 151.) An act to amend chapter 443 of the Laws of 1881, entitled "An act to provide for the settlement and collection of arrearages of unpaid taxes and assessments in the city of Brooklyn, and to insure a more efficient collection of taxes in future."
611. An act to regulate the rate of fare and freight on the Long Island Railroad Company and its branches.
612. An act to amend an act entitled "An act to incorporate the Harlem River and Port Chester Railroad Company."
613. An act to enable the Schenectady and Ogdensburg railroad to run and hold lands for other than railroad purposes, which may hereafter be donated to or purchased by said railroad company.
614. An act to provide for public safety on railways.
615. An act for the better protection and convenience of passengers traveling upon elevated railroads.
616. An act to amend title 4, part 1, chapter 2, section 42, subdivision

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3 of the Revised Statutes to more definitely fix the northerly boundary of the town of Brutus, in the county of Cayuga.

617. An act in relation to pilots of the channel of the East river, commonly called Hell Gate.
618. An act to amend chapter 349 of the Laws of 1872, entitled "An act to authorize the appointment of commissioners to fix the grade and improve sidewalks and open and improve streets in the town of New Lots, Kings county.
620. (Printed Senate No. 177.) An act to provide for the division into three annual installments, the assessments for grading Atlantic avenue in the town of New Lots, in the county of Kings, first assessed under the provisions of chapter 217, Laws of 1869, as amended by chapter 619, Laws of 1870, and apportioned by the board of supervisors of said county under the provisions of chapter 689, Laws of 1881.
621. An act to amend and consolidate the several acts relating to the village of Perry, in the county of Wyoming.
622. An act to amend chapter 258 of the Laws of 1864, entitled "An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan."
623. An act to extend the jurisdiction of, and to authorize the commissioners of highways of the town of Flushing to repair Broadway, in the village of Flushing.
624. An act to change the corporate name of the village of Greenburgh to Dobb's Ferry.
625. An act to amend and consolidate the charter of the village of Waterloo, Seneca county, N. Y.
626. An act relating to the highways in the several towns in the county of Onondaga.
627. An act to prevent extortion from persons in the public service, and bribery and coercion by such persons.
628. An act to authorize and direct the recording certain papers now remaining on file and non-recorded in the office of the clerk of Onondaga county.
629. An act to repeal chapter 204 of the Laws of 1872, entitled "An act in relation to the board of health for the town and village of Saratoga Springs, Saratoga county."
630. An act to authorize the Comptroller of the State of New York to sell a judgment obtained by the loan commissioners of Delaware county against David Horton.
631. An act to amend section 2063 of the Code of Civil Procedure.
632. An act to amend chapter 859 of the Laws of 1871, entitled "An act to provide for the election of certain judicial and other officers, and to fix the term of office."
633. (Printed Senate No. 78.) An act to amend chapter 611 of the Laws of 1875, entitled "An act to provide for the organization and regulation of certain business corporations."

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634. (Printed Senate No. 54.) An act to amend section 78 of part 2, chapter 1, title 2, article 2 of the Revised Statutes, being in relation to uses and trusts.
635. (Printed Senate No. 127.) An act to amend section 6 of chapter 3 of the second part of the Revised Statutes.
636. (Printed Senate No. 82.) An act to amend the Code of Civil Procedure, passed June 2, 1876, and the several acts amendatory thereof.
637. (Printed Senate No. 84.) An act to amend the Code of Civil Procedure.
638. (Printed Senate No. 194.) An act for the appointment of police matrons in the several cities of this State.
639. (Printed Senate No. 179.) An act to confirm and legalize the proceedings of the annual school meeting of union free school district No. 1, of the town of Deer Park, held October 11, 1881, and to authorize the board of education of said school district to proceed therewith to select and procure a site for a new school-house, and to erect a school-house thereon in accordance with proceedings of said meeting.
640. (Printed Senate No. 163.) Concurrent resolution proposing an amendment to article 6 of the Constitution relative to the election of additional justices of the Supreme Court.
641. (Printed Senate No. 113.) An act to amend an act entitled "An act supplemental to the Code of Civil Procedure," passed May 6, 1880.
642. (Printed Senate No. 128.) An act to amend section 2850 of the Code of Civil Procedure.
643. (Senate.) An act to authorize the present surrogate of the county of Warren to sign and perfect certain records of his predecessor in office.
644. An act in relation to receivers of savings banks and trust companies and insurance companies.
645. An act to appropriate money for the support and maintenance of the Tonawanda Reservation Manual Labor School.
646. An act to amend chapter 11, part 1, title 3, article 2, section 30 of the Revised Statutes.
647. An act to regulate the licensing of physicians and surgeons and to secure an uniform system of public and recorded examination for the same.
648. An act to enable the town of Watervliet to pay the amount equitably owing by it to certain hospitals in the city of Albany for the support of its poor therein.
649. Concurrent resolution proposing an amendment to section 12 of article 6 of the Constitution.
650. An act fixing the salary of the stenographers of the Supreme Court in and for the sixth judicial district.

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651. An act to repeal chapter 362 of the Laws of 1879, entitled "An act to establish compensation of the county judge and surrogate of Greene county."
652. Concurrent resolution proposing an amendment to section 9, article 8 of the Constitution, guaranteeing to cities the right of municipal self-government, republican in form, and restricting the power of the Legislature to enactments of general laws in reference thereto.
653. (Printed Senate No. 218.) An act fixing the salaries of the stenographers of the supreme court for the sixth judicial district.
654. (Printed Senate No. 24.) An act to amend the Code of Civil Procedure.
655. An act to amend chapter 264 of the Laws of 1878, entitled "An act to authorize corporations organized under the laws of this State to reduce their capital stock."
656. An act to amend chapter 389 of the Laws of 1878, entitled "An act to create a police pension fund for disabled and retired policemen in the city of New York, and to provide for the equalization of pensions."
657. An act to amend an act entitled "An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof," passed March 26.
658. An act to authorize the trustees of the village of Little Falls to receive and accept a grant for a market place, and to raise funds by loan and tax to improve the same.
659. An act to confer upon the trustees of the village of Prattsburgh, in the county of Steuben, power to build and repair all necessary sidewalks in said village.
660. An act to amend an act entitled "An act to amend chapter 249 of the Laws of 1864, entitled 'An act to amend an act entitled 'An act to provide for the incorporation of villages, and the several acts amendatory thereof, so far as the same relates to the village of New Rochelle, in the county of Westchester, and the several acts amendatory thereof.'"
661. (Printed Senate No. 200.) An act to authorize the village of Hamilton to raise money to construct a public building.
662. (Printed Senate No. 204.) An act to amend chapter 435 of the Laws of 1868, entitled "An act to incorporate the village of Hamilton, in the county of Madison, and to repeal its present charter as amended by chapter 268 of the Laws of 1880."
663. An act to authorize union free school district No. 8, in the town of Cortlandt, in the county of Westchester, and the board of education thereof, to borrow money on its bonds for the purpose of buying and improving a new school lot and building, and furnishing a school-house thereon for the use of said district, and to provide for the payment of such bonds.

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664. An act conferring additional powers on the trustees of union free school district No. 3, of the town of Geddes, Onondaga county, and granting additional privileges of said district.
665. An act to release and convey to Francisca Neusch the interest of the people of the State of New York in certain real estate in the city of Rochester.
666. (Printed Senate No. 137.) An act to authorize granting permission for the use and occupancy of canal lands not used or required for the use of canals.
667. An act incorporating the Brooklyn City Improvement Company.
668. An act to punish false swearing at political caucuses and assemblies.
669. An act to provide for the holding of a primary election to nominate candidates for public office.
670. An act to authorize the use of the tracks of horse railroads in certain cases.
671. An act to provide for additional, cheap, quick and frequent railway transit in the city of New York.
672. An act to amend chapter 320 of the Laws of 1866, entitled "An act to amend the charter of the village of Clinton."
673. An act to abolish the office of railroad commissioner in and for the town of Morristown, in the county of St. Lawrence, and to confer the powers and duties of said commissioner upon the supervisor of said town.
674. (Printed Senate No. 214.) An act to authorize the commissioners of the land office to grant all the interest of the State in certain lands formerly under the waters of the Catskill creek in the village of Catskill, in the county of Greene, but which have since been filled in.







# STATE OF NEW YORK.

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No. 98.

## IN ASSEMBLY,

MAY 2, 1882.

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and Clerk, with the consent of the House, refer the following bills to the Sub-Committee of the Whole:

Senate Bill No. 24, G. O. 654 — Senator H. A. Nelson:

An act to amend the Code of Civil Procedure.

Senate Bill No. 214, G. O. 674 — Senator Jones:

An act to authorize the commissioners of the land office to grant all the interest of this State in certain lands formerly under the waters of the Catskill creek in the village of Catskill, in the county of Greene, but which have since been filled in.

Senate Bill No. 103, G. O. 643 — Senator Bowen:

An act to authorize the present surrogate of the county of Warren to sign and perfect certain records of his predecessor in office.

No. 128, G. O. 86 — Mr. McCarren:

An act in relation to rates of fare upon certain surface steam railroads.

No. 172, G. O. 134 — Mr. O'Brien:

An act to amend chapter 611 of the Laws of 1875, entitled "An act to provide for the organization and regulation of certain business corporations," passed June 21, 1875.

No. 173, G. O. 135 — Mr. Morrison:

An act to amend the Code of Civil Procedure.

No. 204, G. O. 164 — Mr. Hunter:

An act to regulate the manufacture and sale of oleomargarine or lard cheese.

No. 207, G. O. 167 — Mr. Catlin:

An act to amend the Code of Civil Procedure.

[Assem. Doc. No. 98.]

No. 208, G. O. 168 — Mr. M. J. Costello:

An act to amend chapter 450 of the Laws of 1847, entitled "An act requiring compensation for causing death by wrongful act, neglect or default," as amended by chapter 256 of the Laws of 1849, and chapter 78 of the Laws of 1870.

No. 232, G. O. 192 — Mr. J. W. Higgins:

An act to amend chapter 365 of the Laws of 1865, entitled "An act to incorporate the city of Lockport," and the several acts amendatory thereof.

No. 235, G. O. 195 — Mr. J. W. Sheehey:

An act to establish a steam ferry from Port Henry, in the county of Essex, New York, across Lake Champlain.

No. 259, G. O. 224 — Mr. Cullen:

An act to provide for the laying of electric wires under ground in the cities of New York and Brooklyn.

No. 267, G. O. 228 — Mr. Parker:

An act to provide for the reinterment of the remains of Col. John Mills, a hero of the war of 1812, and the erection of a suitable monument in his memory at the expense of the State.

No. 270, G. O. 231 — Mr. Murphy:

An act in respect to spies who assist, induce or inveigle others to commit crimes for the purpose of informing against them.

No. 275, G. O. 236 — Mr. Smith:

An act in relation to contracts, reserving a rate of interest greater than is allowed by law, and to repeal sections 3, 4 and 5, and chapter "4," title "3" of part 2 of the Revised Statutes.

No. 282, G. O. 243 — Mr. Brooks:

An act to provide for the imprisonment in the State prison nearest the place of conviction of persons convicted of murder in the first degree, and for their execution.

No. 283, G. O. 244 — Mr. Butts:

An act to authorize the Secretary of State to license bottled lager beer peddlers and to regulate the sale of bottled lager beer.

No. 294, G. O. 258 — Mr. J. W. Higgins:

An act to amend section 1 of chapter 471 of the Laws of 1881, entitled "An act to regulate the charges of marine insurance companies upon the canals of this State."

No. 305, G. O. 262 — Mr. Campbell:

An act to amend an act entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," passed April 21, 1862.

No. 308, G. O. 263 — Mr. Campbell:

An act to amend an act entitled "An act to organize and establish a police for the city of Schenectady."

No. 309, G. O. 266 — Mr. Brodsky:

An act to authorize the comptroller of the city of New York to examine the claim of Lyman Tiffany and to audit and pay the amount that may be justly due.

No. 311, G. O. 268 — Mr. Engle:

An act to amend chapter 467 of the Laws of 1879, being an act to amend chapter 459 of the Laws of 1877, entitled "An act in relation to the salaries, fees, percentages and allowances of the officers of the city of Brooklyn."

No. 314, G. O. 274 — Mr. Tighe:

An act to regulate and determine the amount of daily labor to be performed by convicts working in teams or otherwise manufacturing shoes in the penitentiary of the county of Kings.

No. 324, G. O. 287 — Mr. Engle:

An act to repeal chapter 256 of the Laws of 1881, entitled "An act concerning charitable, benevolent, and beneficiary associations, societies and corporations."

No. 339, G. O. 300 — Mr. Butts:

An act to repeal chapter 271 of the Laws of 1879, entitled "An act to amend chapter 443 of the Laws of 1867, entitled 'An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State armory in the city of Rochester, and to pay for the use of the rooms therein.'"

No. 356, G. O. 320 — Mr. Hickman:

An act to amend section 2 of title 2 of chapter 519 of the Laws of 1870, entitled "An act to revise the charter of the city of Buffalo."

No. 358, G. O. 322 — Mr. Kelly:

An act to suppress certain nuisances.

No. 373, G. O. 331 — Mr. Dimon:

An act to regulate the employment of the convicts in the prisons of this State, and in the State reformatory.

No. 374, G. O. 332 — Mr. Sheridan:

An act to amend chapter 253 of the Laws of 1877, entitled "An act to amend chapter 107 of the Laws of 1877, entitled 'An act in relation to the Superintendent of State Prisons, and for the more efficient and economical management of said prisons.'"

No. 381, G. O. 339 — Mr. Berry:

An act to exempt the county of Chenango from the provisions and operation of chapter 180 of the Laws of 1875.

No. 382, G. O. 340 — Mr. Scott:

An act to repeal chapter 212 of the Laws of 1879, entitled "An act to provide for the distribution of the acts passed by the Legislature to town clerks' offices."

No. 384, G. O. 344 — Mr. Binninger :

An act relative to the Thousand Island Park Association, and authorizing an extension of the powers of corporations organized under chapter 117, Laws of 1853.

No. 385, G. O. 345 — Mr. A. B. Sheldon:

An act to amend chapter 256 of the Laws of 1881, entitled "An act concerning charitable, benevolent and beneficiary associations, societies and corporations."

No. 413, G. O. 372 — Mr. Sheridan :

An act to amend chapter 783 of the Laws of 1866, entitled "An act to protect primary meetings, caucuses and conventions of political parties."

No. 417, G. O. 380 — Mr. Tighe:

An act for the better protection of the public health in the city of Brooklyn.

No. 443, G. O. 405 — Mr. J. Higgins:

An act to amend chapter 436 of the Laws of 1880, entitled "An act to establish a police department in the city of Buffalo, and to provide for the government thereof."

No. 451, G. O. 410 — Mr. McCann:

An act to repeal chapter 439 of the Laws of 1876, entitled "An act relating to the expenses of judicial sales in the county of Kings."

No. 460, G. O. 422 — Mr. Parker:

An act to provide for the compensation of county officers.

No. 537, G. O. 485 — Mr. Parker:

An act to amend chapter 746 of the Laws of 1872, entitled "An act relating to the examination of candidates for the degree of doctor of medicine, and the acts amendatory thereof."

No. 542, G. O. 497 — Mr. Parker:

An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons.

No. 603, G. O. 541 — Mr. Alvord:

An act to confirm the title to real estate now held or hereafter acquired by resident aliens.

No. 605, G. O. 545 — Mr. Noyes:

An act to amend chapter 677 of the Laws of 1867, entitled "An act to prevent fraud and fraudulent practices upon or by hotel-keepers and innkeepers."

No. 609, G. O. 543 — Mr. Robb:

An act to enable aliens to take and hold property within this State.

No. 614, G. O. 548 — Mr. Raines:

An act to amend chapter 361 of the Laws of 1867, entitled "An act authorizing supplementary proceedings for the collection of taxes, as amended by chapter 640 of the Laws of 1881."

No. 615, G. O. 551 — Mr. M. J. Costello:

An act to protect persons traveling on the streets and avenues of the city of New York.

No. 617, G. O. 553 — Mr. Murphy:

An act to authorize the commissioners of the department of public parks of the city of New York to alter the map or plan of Trinity avenue, in the twenty-third ward of said city, and to reduce the length and width thereof.

No. 618, G. O. 554 — Mr. Hunt:

An act to authorize the city of Watertown to levy a tax and to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness.

No. 619, G. O. 558 — Mr. Chamberlain:

An act to enforce the assessment of shareholders in banking associations to make good a deficit in capital.

No. 625, G. O. 556 — Mr. Murphy:

An act to amend chapter 389 of the Laws of 1878, entitled "An act to create a police pension fund for disabled and retired policemen in the city of New York, and to provide for the equalization of pensions."

No. 626, G. O. 559 — Mr. Brodsky:

An act in relation to advances of money upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, and other negotiable instruments.

No. 627, G. O. 560 — Mr. Benedict:

An act to amend chapter 522 of the Laws of 1881, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties in this State created in aid of railroads, and to abolish the office of railroad commissioner in the town of Shawangunk, in the county of Ulster."

No. 628, G. O. 561 — Mr. Dimon:

An act to regulate the office hours of the county clerk's office of Chemung county.

No. 629, G. O. 562 — Mr. Keyes:

An act to repeal chapter 257 of the Laws of 1881, entitled "An act to amend chapter 70 of the Laws of 1874, entitled 'An act to authorize the election of town auditors in the several towns of the county of Westchester, and to prescribe their powers and duties.'"

No. 630, G. O. 565 — Mr. Keyes:

An act to enable the several cities and towns of the State which have not already done so, to refund the money expended in furnishing substitutes, or in commutation by the men who were drafted into the military service of the United States, and held to service in the several drafts under the conscription act of the United States, entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March 3, 1863, and the acts amendatory thereto, while the option of

commutation by the payment of \$300 remained, and for the relief of the men who entered the service under said drafts.

No. 631, G. O. 566 — Mr. Johnson:

An act entitled "An act conferring additional powers on boards of supervisors."

No. 634, G. O. 568 — Mr. Ross:

An act to amend chapter 330 of the Laws of 1850, entitled "An act reincorporating the village of Little Falls, by the name of Rockton," and the several acts amendatory thereof.

No. 635, G. O. 571 — Mr. Hickman:

An act to establish a department of education in the city of Buffalo, and to provide for the government thereof.

No. 636, G. O. 572 — Mr. Schermerhorn:

An act to amend chapter 492 of the Laws of 1881, entitled "An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the several acts relating to public instruction.'"







# STATE OF NEW YORK.

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No. 99.

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## IN ASSEMBLY,

MAY 2, 1882.

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### RESOLUTIONS

#### OF THE MECHANICS AND TRADERS' EXCHANGE.

MECHANICS AND TRADERS' EXCHANGE,  
198 Broadway, New York, April 20, 1882. }

To Hon. Mr. PATTERSON, *Speaker of the Assembly of the State of New York:*

Dear Sir—I herewith inclose you certain resolutions of the Mechanics and Traders' Exchange, as thereby directed.

Yours respectfully,

WM. O. SMITH,

*Secretary.*

MECHANICS AND TRADERS' EXCHANGE,  
198 Broadway, New York, April 20, 1882. }

At a meeting of the Mechanics and Traders' Exchange held this day at its rooms, the President, Henry Wilson in the chair, the following resolutions were adopted by a unanimous vote:

*Whereas*, Your Committee appointed to look after the interests of this Exchange in relation to proposed legislation were told in Albany by Senator Daly of the Senate Committee having in charge the several bills proposing amendments to the Building Laws for this city, that he had been informed that this Exchange had indorsed the bill introduced by him for that purpose—known as the MacGregor bill—as a proper bill, and recommended that it should become a law, and

*Whereas*, such statement made to Senator Daly was false in every particular, and calculated to mislead him, therefore

*Resolved*, That this Exchange hereby informs the Honorable Senator Daly that it has never taken any action upon the bill introduced by him, by request, proposing amendments to the Building Laws of this city; and that he has been misinformed thereon.

*Resolved*, That this Exchange does hereby fully indorse the Senate bill No. 182, in its main purposes, and that it most respectfully asks

the Honorable the Legislature to enact the same into law, for the better protection of all parties interested in building in New York city.

*Resolved*, That official copies of these preamble and resolutions, signed by the President and Secretary, with the seal of the Exchange, be forwarded to the Speaker of each House; to the Chairmen of the Committees on Affairs of Cities, and to the Honorable Senator James Daly.

HENRY WILSON,  
*President.*

[L. s.] WM. C. SMITH,  
*Secretary*

# STATE OF NEW YORK.

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No. 100.

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## IN ASSEMBLY,

MAY 3, 1882.

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### REPORT

#### OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 471, printed No. 527, entitled "An act to amend chapter 431 of the Laws of 1881, entitled 'An act to amend chapter 324 of the Laws of 1850, entitled 'An act for the preservation of the public health, and the acts amendatory thereof,' and to amend chapter 790 of the Laws of 1867, entitled 'An act to amend an act entitled 'An act for the preservation of the public health,' passed April 10, 1850, and the act entitled 'An act to amend the same,' passed April 6, 1854, and all acts amendatory thereof," reported in favor of the passage of the same, with amendments, as follows:

Section one, line seven, strike out the words "passed April 10, 1850"; lines eight and nine, strike out the words "passed April 6, 1854"; line 23, change word "plans" to "place"; line 89, after the word "law" insert "any refusal or willful neglect on the part of any person whose duty it is to make out or file for registration any record or records as aforesaid, and any officer or board that shall neglect or refuse to register and preserve said records as required by law, shall be deemed guilty of a misdemeanor, and may be prosecuted in any court of competent jurisdiction." Section 2, line 14, change word "to" to "if"; line 60, after the word "if" insert "by"; also amend the title by inserting the word "supplemental" before "to" in line one; line six, strike out the words "to amend."

Said bill was ordered reported by the following vote:

#### *For the Affirmative.*

Browne,  
McOlelland,  
Cook,  
Sweet,

M. R. Jones,  
Scott,  
McCarren,

Erwin,  
Beers,  
Page.

10

#### *For the Negative.*

Benedict.

1

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 488, printed No. 538, entitled "An act to amend chapter 868 of the Laws of 1872, being an act entitled "An act to incorporate the United States Loan and Security Company," reported in favor of the passage of the same, with an amendment, as follows:

Section one, lines three and four, strike out the words "passed June 1, 1872."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Erwin,	
McClelland,	Scott,	Ross,	
Cock,	McCarren,	Page.	11
Sweet,	Benedict,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 492, printed No. 540; entitled "An act in relation to the police force of the department of public parks in the city of New York, and creating a pension fund therefor," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Ross,	
Sweet,	McCarren,	Beers.	11
M. R. Jones,	Benedict,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, Int. No. 944, printed No. 510, entitled "An act to authorize the trustees of the village of Batavia to raise money for certain purposes, and further to enlarge their powers," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
Cock,	McCarren,	Beers,	
M. R. Jones,	Benedict,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 132, printed No. 170, entitled "An act supplementary to chapter 836 of the Laws of 1872, entitled "An act to regulate places of public amusement in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
Cock,	McCarren,	Beers,	
M. R. Jones,	Benedict,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 375, printed No. 414, entitled "An act in relation to fares for carrying passengers on street railroads in the city of Buffalo," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	McCarren,	Beers,	
Cock,	Benedict,	Page.	11
M. R. Jones,	Erwin,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 444, printed No. 505, entitled "An act relative to debts discharged in bankruptcy," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Beers,	
Cock,	McCarren,	Page.	11
M. R. Jones,	Benedict,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 463, printed No. 522, entitled "An act in relation to the Johnstown, Gloversville and Kingsboro Horse Railroad Company," reported in favor of the passage of the same, with an amendment, as follows:

Section one, line four, strike out the word "five" and insert "ten."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Cock,	McCarren,	Ross,	
M. R. Jones,	Benedict,	Beers,	
Scott,	Erwin,	Page.	10
Welch,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 308, printed No. 346, entitled "An act to amend chapter 700 of the Laws of 1881, entitled 'An act to provide for the liability of towns and commissioners of highways in certain cases,' " reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote.

*For the Affirmative.*

Browne,	M. R. Jones,	Erwin,	
McClelland,	Scott,	Ross,	
Cock,	McCarren,	Beers,	
Sweet,	Benedict,	Page.	12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 290, printed No. 327, entitled "An act for the relief and incorporation of the Union Cemetery Association of the town of Royalton, in the county of Niagara," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Ross,	
Cock,	McCarren,	Beers,	
Sweet,	Benedict,	Page.	13
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred Assembly bill, G. O. 518, printed No. 581, entitled "An act providing for the construction of a bridge over the Erie canal at the point of the intersection of Prospect street, in the city of Lockport, Niagara county," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Ross,	
Cock,	McCarren,	Beers,	
Sweet,	Benedict,	Page.	13
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 155, printed No. 196, entitled "An act to amend chapter 287 of the Laws of 1879, entitled 'An act to provide for the formation of county and town co-operative insurance companies,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	McCarren,	Beers,	
Cock,	Benedict,	Page.	10
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 158, printed No. 198, entitled "An act to fix the compensation of supervisors in the county of Onondaga," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Welch,	Ross,	
Cock,	Benedict,	Beers,	
M. R. Jones,	Erwin,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 279, printed No. 317, entitled "An act to amend an act entitled 'An act to establish a board of fire commissioners for the village of West Troy,' passed May 20, 1880," reported in favor of the passage of the same, with amendments, as follows:

Section one, strike out lines one and two and insert, "Section four of chapter three hundred and twenty-nine of the laws of eighteen hundred and eighty, entitled 'An act to establish a board of fire commissioners for the village of West Troy in the county of Albany,' is hereby amended so as to read as follows": Also amend the title so that it will read, "An act to amend chapter three hundred and twenty-nine of the laws of eighteen hundred and eighty, entitled 'An act to establish a board of fire commissioners for the village of West Troy, in the county of Albany.'"

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Ross,	
Cock,	McCarren,	Beers,	
Sweet,	Benedict,	Page.	13
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 261, printed No. 304, entitled "An act to secure to the public free admission to all museums, whether of history, antiquities, art or otherwise now established, or that may hereafter be in any public park in the city of New York," reported in favor of the passage of the same, with amendments, as follows:

Section three, line three, strike out the words "New York Historical Society," and insert "American Museum of Natural History."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Benedict,	
McClelland,	Scott,	Ross,	
Cock,	McCarren,	Beers.	9

*For the Negative.*

Page.	1
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 242, printed No. 281, entitled "An act relating to the interest of a husband in the real estate of his wife on her decease," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Ross,	
Cock,	McCarren,	Beers,	
M. R. Jones,	Benedict,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 420, printed No. 458, entitled "An act to prevent the publication or rendering of statements of foreign fire insurance companies, other than statements of their assets and business done in the United States," reported in favor of the passage of the same, with amendments, as follows:

Section one, line three, strike out the word "fire"; line six, strike out words "in the," and insert "for the protection of all the policy-holders on"; line nine, after the word "of," insert "all the"; add as section two, as follows: "It shall be the duty of the Superintendent of the Insurance Department to revoke the certificates of authority issued on behalf of any company violating the provisions of this act." Change section two to section three; change section three to section four.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Ross,	
McClelland,	Scott,	Beers,	
Cock,	Welch,	Page.	11
Sweet,	McCarren,		

*For the Negative.*

Benedict,	Erwin.	2
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Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 514, printed No. 104, entitled "An act reappropriating money for the payment of sums due to contractors for new work and extraordinary repairs on the canals, and to pay the certificates and drafts issued therefor," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
Cock,	McCarren,	Beers,	
M. R. Jones,	Benedict,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 639, printed No. 179, entitled "An act to confirm and legalize the proceedings of the annual school meeting of union free school district No. 1, of the town of Deer Park, held October 11, 1881, and to authorize the board of education of said school district to proceed thereunder to select and procure a site for a new school-house in said district and to erect a school-house thereon in accordance with the proceedings of said meeting," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:



*For the Affirmative.*

Browne,  
McClelland,  
Cock,  
Sweet,  
M. R. Jones,

Scott,  
Welch,  
McCarren,  
Benedict,

Erwin,  
Ross,  
Beers,  
Page.

13

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 635, printed No. 127, entitled "An act to amend section 6 of chapter 3 of the second part of the Revised Statutes," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
McClelland,  
Cock,  
Sweet,

M. R. Jones,  
Scott,  
Welch,  
McCarren,

Erwin,  
Ross,  
Beers,  
Page.

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# STATE OF NEW YORK.

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**No. 101.**

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## IN ASSEMBLY,

**MAY 4, 1882.**

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### LIST OF GENERAL ORDERS]

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and Clerk, with the consent of the House, refer the following bills to the Sub-Committee of the Whole:

No. 407, G. O. 366 — Mr. McClelland:

An act to prevent fraud in the sale of hay and straw in bales, and providing for the punishment of the same.

No. 638, G. O. 578 — Mr. Mitchell:

An act relating to the Long Island City Ferry Company.

No. 639, G. O. 580 — Mr. Page:

An act to amend chapter 537 of the Laws of 1871, entitled "An act requiring commissioners of towns, cities and villages appointed under the several acts to facilitate the construction of railroads in the State to present bonds and coupons paid by them before the boards of auditors in towns, cities and villages, and providing for the cancellation and preservation of the same."

No. 640, G. O. 585 — Mr. Catlin:

An act to amend chapter 776 of the Laws of 1870, entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village."

No. 641, G. O. 587 — Mr. Catlin:

An act to amend section 3 of chapter 611 of the Laws of 1874, entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to provide for the incorporation of villages,' and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of West-

chester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village."

No. 642, G. O. 588 — Mr. Poucher:

An act in relation to the publication of the proceedings of the boards of supervisors.

No. 643, G. O. 589 — Mr. Binniger:

An act to authorize the towns of Philadelphia, Theresa and Alexandria, in Jefferson county, and the towns of Hammond and Morristown, in St. Lawrence county, stockholders in the Black River and Morristown Railroad Company, to join in consolidating said road with another railroad, and to authorize said town to pay assessments on said stock, and to legalize and confirm acts of the town meeting of the town of Theresa, held on the 21st day of February, 1882.

No. 653, G. O. 595 — Mr. Murphy:

An act to provide for the rebuilding of Washington and Clinton markets on the present sites of said markets, in the city of New York.

No. 654, G. O. 596 — Mr. Murphy:

An act to provide for the erection of a new hall of records for the use of the register of the city of New York.

No. 655, G. O. 598 — Mr. Shanley:

An act in relation to the publication of calendars and legal notices in the city of Brooklyn and county of Kings.

Senate Bill No. 221, G. O. 676 — Senator Fitzgerald:

An act to authorize the corporation "The Sisters of Charity of St. Vincent de Paul" to grant and convey certain lands in the city of New York to the corporation "The St. Vincent's Hospital of the city of New York."

Senate Bill No. 18, G. O. 138 — Senator Pitts:

An act in relation to drains, ditches and water channels constructed before the year 1872, for draining swamps, marshes and other low lands.

Senate Bill No. 218, G. O. 653 — Senator Thomas:

An act fixing the salaries of the stenographers of the supreme court in and for the sixth judicial district.

# STATE OF NEW YORK.

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No. 102.

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## IN ASSEMBLY.

MAY 5, 1882.

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### REPORT

#### OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 493, printed No. 541, entitled "An act to establish a board of common school commissioners in the city of Brooklyn," reported in favor of the passage of the same, with amendments, as follows:

Section one, line two, strike out the word "June," and insert "July"; same line, after the word "eighty-two," insert "or within thirty days thereafter"; line five, strike out "June" and insert "July"; line seven, strike out "June" and insert "July"; line eight, strike out "June" and insert "July"; section two, line three, strike out all after the word "Brooklyn" down to and including the word "act," in line five; line five, change the word "June," to "July," and add at the end of section the words "there shall be at least one commissioner from each assembly district"; strike out sections three and four; change section "five" to section "three," and change word "June" in line ten, to "July"; also after the word "schools," in line fourteen, strike out the remainder of the section; add as section four as follows: "No principal or teacher now employed and teaching in the public schools in the city of Brooklyn shall be subject to a re-examination as to competency or incompetency, except on a request of the superintendent of common schools and two assistant superintendents made to the board of common school commissioners and ordered by a two-third vote thereof." Strike out sections six and seven; change section "eight" to section "five"; change section "nine" to section "six"; last section change word "June" to "July."

Said bill was ordered reported by the following vote:

[Assem. Doc. No. 102.]

*For the Affirmative.*

Browne,  
McClelland,  
Cock,  
Sweet,  
M. R. Jones,

Scott,  
Welch,  
Morrison,  
McCarren,  
Benedict,

Erwin,  
Ross,  
Beers,  
Noyes,  
Page.

15

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 560, printed No. 627, entitled "An act to amend chapter 522 of the Laws of 1881, entitled 'An act in relation to the bonded indebtedness of villages, cities, towns and counties of this State created in aid of railroads, and to abolish the office of railroad commissioner in the town of Shawangunk, in the county of Ulster,'" reported in favor of the passage of the same, with amendments, as follows:

Section one, lines twenty and twenty-one, strike out the words "except as to the town of Shawangunk in the county of Ulster"; add at the end of line twenty-three as follows: "except that the town of Shawangunk, in the county of Ulster, is hereby authorized to issue bonds, under the provisions of this act, in liquidation or settlement of any outstanding bonds of said town"; strike out sections "two, three, four and five"; change section "six" to section "two."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
McClelland,  
Cock,  
Sweet,  
M. R. Jones,

Scott,  
Welch,  
Morrison,  
McCarren,  
Benedict,

Erwin,  
Ross,  
Beers,  
Noyes,  
Page.

15

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 533, printed No. 599, entitled "An act in relation to railroad corporations," reported in favor of the passage of the same, with amendments, as follows:

Add as section two as follows: "The provisions of this act shall not extend or apply to any corporation or company or to the assignees or successors of any corporation or company organized under chapter 326 of the Laws of 1880, entitled 'An act relative to the banks and prism of the Genesee Valley canal, and for the sale thereof, or to any corporation or company that has already commenced the construction of its road'; change section "two" to section "three."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
Cock,  
Sweet,  
Scott,

McCarren,  
Benedict,  
Erwin,

Ross,  
Beers,  
Page.

10

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 568, printed No. 634, entitled "An act to amend chapter 330 of the Laws of 1850, entitled 'An act reincorporating the village of Little Falls, by the name of Rockton,'" and the several acts amendatory thereof, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Ross,	
Cock,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
M. R. Jones,	Benedict,	Page.	15

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 559, printed No. 626, entitled "An act in relation to advances of money upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, and other negotiable instruments," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Welch,	Beers,	
Cock,	Morrison,	Noyes,	
Sweet,	McCarren,	Page.	14
M. R. Jones,	Benedict,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 545, printed No. 605, entitled "An act to amend chapter 677 of the Laws of 1867, entitled 'An act to prevent fraud and fraudulent practices upon or by hotel-keepers and innkeepers,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Welch,	Beers,	
Cock,	McCarren,	Noyes,	
Sweet,	Benedict,	Page.	14
M. R. Jones,	Erwin,		

*For the Negative.*

Morrison.	1
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 357, printed No. 393, entitled "An act to extend the time for the completion of the Erie and New York City railroad," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Welch,	Ross,	
Cock,	Morrison,	Beers,	
Van Dusen,	McCarren,	Noyes.	11
Scott,	Benedict,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 566, printed No. 631, entitled "An act entitled 'An act conferring additional powers on boards of supervisors,'" reported in favor of the passage of the same, with an amendment, as follows:

First line of the title, strike out the words "entitled an act."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Benedict,	
Cock,	Welch,	Ross,	
Sweet,	Morrison,	Noyes.	11
Van Dusen,	McCarren,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 489, printed No. 539, entitled "An act to provide the means to complete the construction of the New York and Brooklyn bridge, and to open it for public use," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote.

*For the Affirmative.*

Browne,	Scott,	Benedict,	
Cock,	Welch,	Ross,	
Sweet,	Morrison,	Beers,	
Van Dusen,	McCarren,	Noyes.	12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 286, printed No. 323, entitled "An act to restrict the formation of corporations under an act entitled 'An act to provide for the incorporation of benevolent, charitable, scientific and missionary societies,' being chapter 319 of the Laws of 1848, and the acts amendatory thereof, and to legalize the incorporation of certain societies organized thereunder, and to regulate the same," reported in favor of the passage of the same, with amendments, as follows:



Section one, line two, strike out the words "an act," and insert "chapter 319 of the Laws of 1848"; lines four and five, strike out the words "being chapter 319 of the Laws of 1848"; amend the title by striking out the words "an act," in line one, and inserting "chapter 319 of the Laws of 1848"; and striking out the words "being chapter 319 of the Laws of 1848."

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Benedict,	
Cock,	Welch,	Erwin,	
Sweet,	Morrison,	Ross,	
Van Dusen,	McCarren,	Beers.	13
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 228, printed No. 267, entitled "An act to provide for the reinterment of the remains of Col. John Mills, a hero of the war of 1812, and the erection of a suitable monument in his memory at the expense of the State," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Benedict,	
Cook,	Welch,	Ross,	
Van Dusen,	McCarren,	Beers.	9

*For the Negative.*

Morrison,	Noyes.	2
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 558, printed No. 619, entitled "An act to enforce the assessment of shareholders in banking associations to make good a deficit in capital," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Erwin,	
Cock,	Welch,	Ross,	
Sweet,	Morrison,	Beers,	
Van Dusen,	McCarren,	Page.	14
M. R. Jones,	Benedict,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 266, printed No. 309, entitled "An act to authorize the comptroller of the city of New York to examine the

claim of Lyman Tiffany and to audit and pay the amount that may be justly due," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Welch,	Erwin,	
Cock,	Morrison,	Ross,	
Sweet,	McCarren,	Beers,	
M. R. Jones,	Benedict,	Page.	13
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred Assembly bill, G. O. 320, printed No. 356, entitled "An act to amend section 2 of title 2 of chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Welch,	Ross,	
McClelland,	Morrison,	Beers,	
Cock,	McCarren,	Noyes,	
Sweet,	Benedict,	Page.	14
M. R. Jones,	Erwin,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 195, printed No. 235, entitled "An act to establish a steam ferry from Port Henry, in the county of Essex, New York, across Lake Champlain," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Welch,	Ross,	
Cock,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
M. R. Jones,	Benedict,	Page.	14
Scott,	Erwin,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 554, printed No. 618, entitled "An act to authorize the city of Watertown to levy a tax and to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Ross,	
Cock,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
M. R. Jones,	Benedict,	Page.	15

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 164, printed No. 204, entitled "An act to regulate the manufacture and sale of oleomargarine or lard cheese," reported in favor of the passage of the same, with amendments, as follows:

Section one, line four, after the word "branded," insert "on the top of the outside cover."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

McClelland,	Welsh,	Ross,	
Cock,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
M. R. Jones,	Erwin,	Page.	13
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 534, printed No. 600, entitled "An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations and to regulate the same,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Ross,	
McClelland,	Welch,	Beers,	
Cock,	McCarren,	Page.	11
Sweet,	Erwin,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 499, printed No. 543, entitled "An act entitled 'An act for the relief of John E. Andrus and Phineas Kent, Lewis county, New York,'" reported in favor of the passage of the same, with an amendment, as follows:

First line of the title, strike out the words "entitled an act."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

McClelland,	Welch,	Ross,	
Cock,	McCarren,	Beers,	
Sweet,	Benedict,	Noyes,	
M. R. Jones,	Erwin,	Page.	12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 340, printed No. 382, entitled "An act to repeal chapter 212 of the Laws of 1879, entitled 'An act to provide for the distribution of the acts passed by the legislature to town clerks' offices,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Ross,	
Cock,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
M. R. Jones,	Benedict,	Page.	15

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 236, printed No. 275, entitled "An act in relation to contracts, reserving a rate of interest greater than is allowed by law, and to repeal sections three, four and five, and chapter 'four,' title 'three' of part second of the Revised Statutes," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

McClelland,	M. R. Jones,	McCarren,	
Cock,	Welch,	Noyes,	
Sweet,	Morrison,	Page.	9

*For the Negative.*

Browne,	Benedict,	Ross,	
Scott,	Erwin,	Beers.	6

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 258, printed No. 294, entitled "An act to amend section 1 of chapter 471 of the Laws of 1881, entitled 'An act to regulate the charges of marine insurance companies upon the canals of this State,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Ross,	
Cock,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
M. R. Jones,	Benedict,	Page.	15

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 192, printed No. 232, entitled "An act to amend chapter 365 of the Laws of 1865, entitled 'An act to incorporate the city of Lockport,' and the several acts amendatory thereof," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Ross,	
Cook,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
M. R. Jones,	Benedict,	Page.	15

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 642, printed No. 128, entitled "An act to amend section 2850 of the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	McCarren,	Beers,	
Cock,	Benedict,	Page.	11
Sweet,	Erwin,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 634, printed No. 54, entitled "An act to amend section 78 of part 2, chapter 1, title 2, article 2 of the Revised Statutes, being in relation to uses and trusts," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Erwin,	
McClelland,	Welch,	Ross,	
Cock,	McCarren,	Beers,	
Sweet,	Benedict,	Page.	13
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 247, printed No. 28, entitled "An act to provide for the payment by the State of the expenses of the trial of convicts for crimes committed during the time of their imprisonment in either of the State prisons in this State," reported in favor of the passage of the same, with an amendment, as follows:

Section two, line two, engrossed bill, after the word "comptroller," insert "and attorney-general."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Welch,	Beers,	
Cock,	Morrison,	Noyes,	
Sweet,	McCarren,	Page.	14
M. R. Jones,	Benedict,		

*For the Negative.*

Erwin.	1
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Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, Int. No. 103, G. O. 643, entitled "An act to authorize the present surrogate of the county of Warren to sign and perfect certain records of his predecessor in office," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Erwin,	
Cock,	Welsh,	Ross,	
Sweet,	Morrison,	Beers,	
Van Dusen,	McCarren,	Noyes,	
M. R. Jones,	Benedict,	Page.	15

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 303, printed No. 342, entitled "An act allowing parties holding mortgages or other liens on lands to pay the taxes thereon and also to redeem such lands from tax sales, and to collect the sums paid, with interest," reported adversely thereto, which report was agreed to, by the following vote:

*For the Affirmative.*

Browne,	McCarren,	Ross,	
Cock,	Benedict,	Beers,	
Sweet,	Erwin,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 422, printed No. 460, entitled "An act to provide for the compensation of county officers," at the request of Mr. Parker reported adversely thereto, which report was agreed to, by the following vote:

*For the Affirmative.*

Browne,	Morrison,	Ross,	
Cock,	NcCarren,	Beers,	
Van Dusen,	Benedict,	Noyes.	10
Scott,			

# STATE OF NEW YORK.

---

No. 103.

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## IN ASSEMBLY.

MAY 5, 1882.

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### LIST OF GENERAL ORDERS.

G. O.

- 675. An act to provide for the recording and indexing of certain records in the Albany county clerk's office.
- 676. (Printed Senate No. 221.) An act to authorize the corporation of the Sisters of Charity of St. Vincent de Paul to grant and convey certain lands in the city of New York to the corporation the St. Vincent Hospital of the city of New York.
- 677. An act to provide for the assessment of property in certain cases and to regulate and equalize the same.
- 678. An act relative to certain resolutions of the board of supervisors of the city and county of New York.
- 679. An act to incorporate the New York Iron and Metal Exchange.
- 680. An act to amend section 7, chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors."
- 681. (Printed Senate No. 181.) An act to incorporate the New York and Canada Bridge Company, and to authorize said company to construct and maintain a bridge over the St. Lawrence river for railroad and other purposes.
- 682. (Printed Senate No. 228.) An act in relation to the Thousand Island Park Association.
- 683. An act to secure a better administration of the laws relating to buildings, and for the prevention and extinguishment of fires in the city of New York.
- 684. An act authorizing the Adjutant-General, the Inspector-General and the Commissary-General to audit the claim of the Eleventh regiment, National Guard, of the State New York, for uniforms and equipments worn out in the United States service during the late war.

G. O.

685. An act to amend chapter 207 of the Laws of 1879, entitled "An act in relation to sewers and drainage in the city of Brooklyn."
686. An act to amend chapter 370 of the Laws of 1875, entitled "An act to amend and consolidate the several acts relating to the city of Elmira."
687. An act for laying out and establishing a new street from One Hundred and Fifty-second street and Ninth avenue to Seventh avenue, at the intersection of One Hundred and Fifty-fifth street, in the city of New York.
688. An act to regulate the leasing of real estate by the mayor, aldermen and commonalty of the city of New York.
689. (Printed Senate No. 147.) An act to authorize the sale of passenger tickets by regular agents of railroads and steamboat companies and lines.
690. An act to provide for the construction, repair and improvement of docks.
691. An act to regulate the use of Pier No. 21, and the bulk-head between Pier 20 and 21 on the East river in the city of New York.
692. (Printed Senate No. 238.) An act relating to deposits or moneys in the possession of all savings or other banks or trust companies in the State of New York, with which there has not been any transaction for twenty years or over, from the passage of this act.
693. An act to amend chapter 380 of the Laws of 1862, entitled "An act to amend an act entitled 'An act to incorporate the village of Mount Morris, passed May 2, 1835, and the several subsequent acts amending the same.'"
694. An act to amend chapter 172 of the Laws of 1875, entitled "An act to authorize the lighting of public streets and avenues in the town of Fishkill, county of Dutchess."
695. An act to amend chapter 157 of the Laws of 1844, entitled "An act incorporating the village of Mohawk, passed April 16, 1844."
696. An act to incorporate the Niagara Falls Double Track Iron Bridge Company.
697. An act to regulate the killing and slaughtering of oxen, cows, calves, sheep, lambs and other cattle in the city of New York.
698. (Senate.) An act to incorporate the Vassar Brothers Hospital in the city of Poughkeepsie.
699. An act to amend chapter 131 of the Laws of 1843, entitled "An act to incorporate the trustees of the New York Annual Conference of the Methodist Episcopal Church."
700. (Senate No. 64.) An act to amend chapter 591 of the Laws of 1880, entitled "An act for the appointment of game and fish protectors."



G. O.

701. An act to authorize the Superintendent of Public Works to examine and audit the claim of the town of Vestal, in Broome county, for planking and filling up canal bridges in the highways of said town and providing for the payment thereof by the State.
702. An act authorizing the payment for services performed by Benjamin F. Smith as librarian of the Supreme Court library at Binghamton, employed under chapter 392 of the Laws of 1872, and appointed by the justices of the Supreme Court of the sixth judicial district.
703. An act to incorporate The Railway Trust Company.
704. An act to incorporate Luther M. Wheeler Post No. 92, Grand Army of the Republic.
705. An act to further amend chapter 448 of the Laws of 1876, entitled "An act relating to courts, officers of justice and civil proceedings."
706. An act to amend section 27 chapter 103 of the Laws of 1882, entitled "An act to establish a local court of civil and criminal jurisdiction in the city of Utica."
707. An act to legalize the official acts of A. J. Brown, George Dean and William H. Huntley, excise commissioners of the town of Hanover, in the county of Chautauqua.



# STATE OF NEW YORK.

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No. 104.

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## IN ASSEMBLY.

MAY 8, 1882.

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and the Clerk, with the consent of the House, referred the following bills to the sub-committee of the whole:

No. 656, G. O. 599 — Mr. Sheridan:

An act in relation to sewers and drainage in the city of Brooklyn.

No. 657, G. O. 600 — Mr. J. Higgins:

An act to amend chapter 338 of the Laws of 1870, entitled "An act to authorize the city of Buffalo to grant the use and occupation of a part of Busti terrace to the Mechanics' Institute of said city," passed April 21, 1870.

No. 659, G. O. 603 — Mr. McManus:

An act relative to chapter 582, Laws of 1880, entitled "An act to provide for excavating and bridging for transportation purposes within villages and cities of this State."

No. 660, G. O. 604 — Mr. Sheridan:

An act to provide for the grading and paving of Dwight street, from Delavan street to Elizabeth street in the city of Brooklyn.

No. 661, G. O. 605 — Mr. Cullen:

An act to regulate the quality and price of illuminating gas, and to provide for the office of meter inspector for the city of New York.

No. 662, G. O. 606 — Mr. Shanley:

An act in relation to cleaning the sewers in the city of Brooklyn.

No. 665, G. O. 611 — Mr. Murphy:

An act to regulate the rate of fare and freight on the Long Island Railroad Company and its branches.

No. 667, G. O. 614 — Mr. Sheridan :

An act to provide for public safety on railways.

No. 668, G. O. 615 — Mr. Crane :

An act for the better protection and conveyance of passengers traveling upon elevated railroads.

No. 669, G. O. 617 — Mr. Fletcher :

An act in relation to pilots of the channel of the East river commonly called Hell Gate.

No. 672, G. O. 618 — Mr. Stillwell:

An act to amend chapter 349 of the Laws of 1872, entitled "An act to authorize the appointment of commissioners to fix the grade and improve sidewalks, and open and improve streets in the town of New Lots, Kings county."

No. 673, G. O. 622 — Mr. Andrews:

An act to amend chapter 258 of the Laws of 1864, entitled "An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan."

No. 674, G. O. 623 — Mr. Cock :

An act to extend the jurisdiction of, and to authorize the commissioners of highways of the town of Fushing to repair Broadway, in the village of Flushing.

No. 675, G. O. 624 — Mr. Keyes :

An act to change the corporate name of the village of Greenburgh to Dobb's Ferry.

No. 676, G. O. 627 — Mr. Brooks:

An act to prevent extortion from persons in the public service and bribery and coercion by such persons.

No. 677, G. O. 629 — Mr. Potter:

An act to repeal chapter 204 of the Laws of 1872, entitled "An act in relation to a board of health for the town and village of Saratoga Springs, Saratoga county."

No. 678, G. O. 630 — Mr. Treadwell:

An act to authorize the comptroller of the State of New York to sell a judgment obtained by the loan commissioners of Delaware county against David Horton.

No. 679, G. O. 631 — Mr. Parker:

An act to amend sections 2060 and 2063 of the Code of Civil Procedure.

No. 681, G. O. 646 — Mr. Floyd:

An act to amend chapter 11, part 1, title 3, article 2, section 30 of the Revised Statutes.

No. 682, G. O. 647 — Mr. Parker:

An act to regulate the licensing of physicians and surgeons and to secure an uniform system of public and recorded examinations for the same.

No. 683, G. O. 648 — Mr. McDonough:

An act to enable the town of Watervliet to pay the amount equitably owing by it to certain hospitals in the city of Albany, for the support and care of certain of its poor therein.

No. 684, G. O. 657 — Mr. Potter:

An act to amend an act entitled "An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof."

No. 685, G. O. 658 — Mr. Ross:

An act to authorize the trustees of the village of Little Falls to receive and accept a grant for a market-place and to raise funds by loan and tax to improve the same.

No. 686, G. O. 660 — Mr. Catlin:

An act to amend an act entitled "An act to amend chapter 249 of the Laws of 1864, entitled 'An act to amend and act entitled 'An act to provide for the incorporation of villages, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester,' " and the several acts amendatory thereof.

No. 688, G. O. 613 — Mr. Tighe:

An act to enable the Schenectady and Odgensburgh railroad to run and hold lands for other than railroad purposes, which may hereafter be donated to or purchased by said railroad company.

No. 689, G. O. 673 — Mr. Godard:

An act to abolish the office of railroad commissioners in and for the town of Morristown, in the county of St. Lawrence, and to confer the powers and duties of said commissioners upon the supervisor of said town.

Senate Bill No. 64, G. O. 700 — Senator Lynde:

An act to amend chapter 591 of the Laws of 1880, entitled "An act for the appointment of game and fish protectors."

Senate Bill No. 65, G. O. 112 — Senator Grady:

An act to secure to inmates of institutions for the care of the poor freedom of worship.

Senate Bill No. 147, G. O. 689 — Senator Boyd:

An act to authorize the sale of passage tickets by regular agents of railroad and steamboat companies and lines.

Senate Bill No. 202, G. O. 100 — Senator Grady:

An act to amend chapter 253 of the Laws of 1877, entitled "An act to amend chapter 107 of the Laws of 1877, entitled 'An act in relation to the superintendent of State prisons and for the more efficient and economical management of said prisons.' "

Senate Bill No. 228, G. O. 682 — Senator F. Lansing:

An act in relation to the Thousand Island Park Association.

Senate Bill No. 238, G. O. 692 — Senator Boyd:

An act relating to deposits or moneys in the possession of all saving or other banks or trust companies in the State of New York with which there has not been any transaction for twenty years or over prior to the passage of this act.



# STATE OF NEW YORK.

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No. 105.

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## IN ASSEMBLY,

MAY 9, 1882.

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and Clerk, with the consent of the House, refer the following bills to the Sub-Committee of the Whole:

No. 691, G. O. 672 — Mr. M. R. Jones:

An act to amend chapter 320 of the Laws of 1866, entitled "An act to amend the charter of the village of Clinton."

No. 692, G. O. 632 — Mr. Godard:

An act to amend chapter 859 of the Laws of 1872, entitled "An act to provide for the election of certain judicial and other officers and to fix their terms of office."

No. 693, G. O. 675 — Mr. Parker:

An act to provide for the recording and indexing of certain records in the Albany county clerk's office.

No. 695, G. O. 678 — Mr. Van Allen:

An act relative to certain resolutions of the board of supervisors of the city and county of New York.

No. 697, G. O. 680 — Mr. Green:

An act to amend section 7 of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors."

No. 698, G. O. 683 — Mr. Van Allen:

An act to secure a better administration of the laws relating to buildings, and for the prevention and extinguishment of fires in the city of New York.

No. 700, G. O. 685 — Mr. Tighe:

An act to amend chapter 207 of the Laws of 1879, entitled "An act in relation to sewers and drainage in the city of Brooklyn."

No. 701, G. O. 686 — Mr. Dimon:

An act to amend chapter 370 of the Laws of 1875, entitled "An act to amend and consolidate the several acts relating to the city of Elmira."

No. 702, G. O. 687 — Mr. McManus:

An act for laying out and establishing a new street from One Hundred and Fifty-second street and Ninth avenue to Seventh avenue, at the intersection of One Hundred and Fifty-fifth street, in the city of New York.

No. 703, G. O. 688 — Mr. Murphy:

An act to regulate the leasing of real estate by the mayor, aldermen and commonalty of the city of New York.

No. 704, G. O. 690 — Mr. Sprague:

An act to provide for the construction, repair and improvement of docks, wharves, piers slips and bulk-heads in the city of New York, and for the management and control of the same.

No. 705, G. O. 693 — Mr. Scott:

An act to amend chapter 380 of the Laws of 1862, entitled "An act to amend an act entitled 'An act to incorporate the village of Mount Morris, passed May 2, 1835, and the several subsequent acts amending the same.'"

No. 706, G. O. 694 — Mr. Bonney:

An act to amend chapter 172 of the Laws of 1875, entitled "An act to authorize the lighting of public streets and avenues in the town of Fishkill, county of Dutchess."

No. 707, G. O. 695 — Mr. Ross:

An act to amend chapter 157 of the Laws of 1844, entitled "An act incorporating the village of Mohawk, passed April 16, 1844."

No. 709, G. O. 697 — Mr. J. J. Costello:

An act to regulate the killing and slaughtering of oxen, cows, calves, sheep, lambs and other cattle in the city of New York.

No. 710, G. O. 699 — Mr. Robertson:

An act to amend chapter 131 of the Laws of 1843, entitled "An act to incorporate the trustees of the New York Annual Conference of the Methodist Episcopal Church."

No. 711, G. O. 701 — Mr. Smith:

An act to authorize the Superintendent of Public Works to examine and audit the claim of the town of Vestal, in Broome county, for planking and filling up canal bridges in the highways of said town and providing for the payment thereof by the State.

No. 714, G. O. 704 — Mr. Potter:

An act to incorporate Luther M. Wheeler Post No. 92, Grand Army of the Republic.

No. 715, G. O. 705 — Mr. Morrison:

An act to further amend chapter 448 of the Laws of 1876, entitled "An act relating to courts, officers of justice and civil proceedings."



No. 716, G. O. 706 — Mr. Edgerton:

An act to amend section 27, chapter 103 of the Laws of 1882, entitled "An act to establish a local court of civil and criminal jurisdiction in the city of Utica."

No. 717, G. O. 707 — Mr. Fenner:

An act to legalize the official acts of A. J. Brown, George Dean and William W. Huntley, excise commissioners of the town of Hanover, in the county of Chautauqua.



# STATE OF NEW YORK.

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No. 106.

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## IN ASSEMBLY.

MAY 10, 1882.

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### REPORT

#### OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Browne, from the sub-committee of the whole, to which was referred Assembly bill, G. O. 506, printed No. 654, entitled "An act to provide for the erection of a new hall of records for the use of the register of the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

#### *For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	McCarren,	Noyes,	
Sweet,	Ross,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 523, printed No. 584, entitled "An act in relation to the city of Brooklyn," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

#### *For the Affirmative.*

Browne,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
Van Dusen,	Ross,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 501, printed No. 545, entitled "An act to amend section 1 of chapter 40 of the Laws of 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes,'" as subsequently modi-

fied and amended, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
Van Dusen,	Ross,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 585, printed No. 640, entitled "An act to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled 'An act to provide for the incorporation of villages,' and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village. and to confirm and extend the powers of the corporation of said village,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Scott,	McCarren,	Noyes.	10
Van Dusen,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 615, printed No. 668, entitled "An act for the better protection and convenience of passengers traveling upon elevated railroads," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Morrison,	Ross,	
McClelland,	McCarren,	Beers,	
Sweet,	Benedict,	Noyes,	
Van Dusen,	Erwin,	Page.	13
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 428, printed No. 466, entitled "An act in relation to the streets of the city of Brooklyn," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, McClelland, Sweet, Van Dusen, Scott,	Morrison, McCarren, Benedict, Erwin,	Ross, Beers, Noyes, Page.	13
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 606, printed No. 662, entitled "An act in relation to cleaning the sewers in the city of Brooklyn," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, McClelland, Sweet, Van Dusen,	Scott, McCarren, Benedict, Erwin,	Ross, Beers, Noyes, Page.	12
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 658, printed No. 685, entitled "An act to authorize the trustees of the village of Little Falls to receive and except a grant for a market place and to raise funds by loan and tax to improve the same," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, McClelland, Van Dusen, Scott,	Morrison, McCarren, Benedict, Erwin,	Ross, Beers, Noyes, Page.	12
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 599, printed No. 656, entitled "An act in relation to sewers and drainage in the city of Brooklyn," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, Sweet, Van Dusen,	McCarren, Erwin, Ross,	Beers, Noyes, Page.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 525, printed No. 586, entitled "An act to amend chapter 468 of the Laws of 1872, entitled 'An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
Van Dusen,  
Scott,

Morrison,  
McCarren,  
Ross,

Beers,  
Noyes,  
Page.

9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 587, printed No. 641, entitled "An act to amend section 3 of chapter 611 of the Laws of 1874, entitled 'An act to amend an act entitled 'An act to amend an act entitled 'An act to provide for the incorporation of villages,' and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
Sweet,  
Van Dusen,  
Scott,

Morrison,  
McCarren,  
Ross,

Beers,  
Noyes,  
Page.

10

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 648, printed No. 683, entitled "An act to enable the town of Watervliet to pay the amount equitably owing by it to certain hospitals in the city of Albany, for the support and care of certain of its poor therein," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
Van Dusen,  
Scott,

Morrison,  
McCarren,  
Ross,

Beers,  
Noyes,  
Page.

9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 589, printed No. 643, entitled "An act to authorize the towns of Philadelphia, Theresa and Alexandria, in Jefferson county, and the towns of Hammond and Morristown, in St. Lawrence county, stockholders in the Black River and Morristown Railroad Company, to join in consolidating said road with another railroad, and to authorize said town to pay assessments on said stock, and to legalize and confirm acts of the town meeting of the town of Theresa, held on the 21st day of February, 1882," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, McClelland, Sweet, Van Dusen,	Scott, Morrison, McCarren, Ross,	Beers, Noyes, Page.	11
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 657, printed No. 684, entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,'" reported in favor of the passage of the same, with amendments, as follows:

Section one, line one, strike out the words "an act," first appearing, and insert "chapter 220 of the Laws of 1866"; lines three and four, strike out the words "passed March 26, 1866"; also amend the title by striking out the first words "an act," and insert "chapter 220 of the Laws of 1866."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, Sweet, Van Dusen, Scott,	Morrison, McCarren, Ross,	Beers, Noyes, Page.	10
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 401, printed No. 439, entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," reported in favor of the passage of the same, with amendments, as follows:

Section one, line two, after the word "seventy," insert "entitled 'An act to revise the charter of the city of Buffalo'"; also to amend the title so that it will read: "An act to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo.'"

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Sweet, Van Dusen,	Scott, McCarren, Ross,	Beers, Noyes, Page.	10
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 397, printed No. 435, entitled "An act to repeal chapter 268 of the Laws of 1859, entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof in the towns of North Castle, Bedford and Lewisborough, in the county of Westchester, and the several acts amendatory thereof,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	Morrison,	Noyes,	
Sweet,	McCarren,	Page.	11
Van Dusen,	Ross,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 624, printed No. 675, entitled "An act to change the corporate name of the village of Greenburgh to Dobb's Ferry," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
Van Dusen,	Ross,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 629, printed No. 677, entitled "An act to repeal chapter 204 of the Laws of 1871, entitled 'An act in relation to a board of health for the town and village of Saratoga Springs, Saratoga county,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	Morrison,	Noyes,	
Sweet,	McCarren,	Page.	11
Van Dusen,	Ross,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 366, printed No. 407, entitled "An act to prevent fraud in the sale of hay and straw in bales, and providing for the punishment of the same," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

McClelland,	Morrison,	Beers,	
Van Dusen,	McCarren,	Noyes,	
Scott,	Erwin,	Page.	9

*For the Negative.*

Browne,	Sweet,	Ross.	3
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 448, printed No. 509, entitled "An act to amend section 10 of chapter 122 of the Laws of 1851, entitled 'An act for the incorporation of building, mutual loan and accumulating fund associations,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	McCarren,	Noyes,	
Sweet,	Ross,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 562, printed No. 629, entitled "An act to repeal chapter 257 of the Laws of 1881, entitled 'An act to amend chapter 70 of the Laws of 1874, entitled 'An act to authorize the election of town auditors in the several towns of the county of Westchester, and to prescribe their powers and duties,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	McCarren,	Noyes,	
Sweet,	Ross,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 354, printed No. 390, entitled "An act changing the name of the Western House of Refuge for Juvenile Delinquents to the State Industrial School, and relating to commitments thereto and the management thereof," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Van Dusen,	Ross,	
McClelland,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes.	9

*For the Negative.*

Scott,	Page.	2
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 580, printed No. 639, entitled "An act to amend chapter 537 of the Laws of 1871, entitled 'An act requiring commissioners of towns, cities and villages appointed under the several acts to facilitate the construction of railroads in the State to present bonds and coupons paid by them before the boards of auditors

in towns, cities and villages, and providing for the cancellation and preservation of the same," reported in favor of the passage of the same, with amendments, as follows:

Insert at the beginning of section one, as follows: "SECTION 1. Section 1 of chapter 537 of the Laws of 1871, is hereby amended so as to read as follows:"; strike out sections two and three; add as section two as follows: "All acts and parts of acts inconsistent with this act are hereby repealed"; change section four to section three.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	Morrison,	Noyes,	
Sweet,	McCarren,	Page.	11
Van Dusen,	Ross,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 402, printed No. 440, entitled "An act to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote.

*For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	Morrison,	Noyes,	
Sweet,	McCarren,	Page.	11
Van Dusen,	Ross,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 660, printed No. 686, entitled "An act to amend an act entitled 'An act to amend chapter 249 of the Laws of 1864, entitled 'An act to amend an act entitled 'An act to provide for the incorporation of villages, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester, and the several acts amendatory thereof,'" reported in favor of the passage of the same, with amendments, as follows:

Amend the title by striking out in line one, the words "An act entitled 'An act to amend'"; also insert in line five, after the word "villages," the words "passed December 7, 1847."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	Morrison,	Noyes,	
Sweet,	McCarren,	Page.	11
Van Dusen,	Ross,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 332, printed No. 374, entitled "An act to amend chapter 253 of the Laws of 1877, entitled 'An act to amend chapter 107 of the Laws of 1877, entitled 'An act in relation to the Superintendent of State Prisons, and for the more efficient and economical management of said prisons,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Brown,	Scott,	Beers,	
McClelland,	McCarren,	Noyes,	
Sweet,	Ross,	Page.	9

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 654, printed No. 24, entitled "An act to amend the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
Van Dusen,	Ross,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 406, printed No. 53, entitled "An act to prevent fraud in the sale of oleomargarine, butterine or suine, or other substance not butter," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	McCarren,	Beers,	
Sweet,	Erwin,	Page.	10
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 138, printed No. 18, entitled "An act in relation to drains, ditches and water channels constructed before the year 1872, for draining swamps, marshes and other low lands," reported in favor of the passage of the same, with amendments, as follows:

Section three, line two of engrossed bill, after the word "Rockland," insert "Livingston, Otsego, Ulster, Cayuga, Orange, Tompkins, Warren, Herkimer, Delaware."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
Sweet,  
Van Dusen,  
Scott,

McCarren,  
Benedict,  
Erwin,  
Ross,

Beers,  
Noyes,  
Page.

11

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 549, printed No. 154, entitled "An act to amend chapter 365 of the Laws of 1862, entitled 'An act to authorize the discharge of mortgages of record in certain cases,' as amended by chapter 798 of the Laws of 1868," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
McClelland,  
Sweet,  
Van Dusen,

Scott,  
McCarren,  
Benedict,  
Erwin,

Ross,  
Beers,  
Noyes,  
Page.

12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 646, printed No. 681, entitled "An act to amend chapter. 11, part 1, title 3, article 2, section 30 of the Revised Statutes," reported adversely thereto, which report was agreed to by the following vote:

*For the Affirmative.*

Browne,  
Sweet,  
Van Dusen,

Scott,  
Benedict,  
Erwin,

Ross,  
Beers,  
Page.

9

*For the Negative.*

McCarren,

Noyes.

2

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 436, printed No. 473, entitled "An act to repeal chapter 351 of the Laws of 1866, entitled 'An act to incorporate the village of White Plains, as amended by chapter 518 of the Laws of 1867, and by chapter 693 of the Laws of 1870, and by chapter 409 of the Laws of 1873, and by chapter 179 of the Laws of 1878,' so far as the same relates to that portion of said village lying within the limits of the town of Greenburgh," reported adversely thereto, which report was agreed to by the following vote:

*For the Affirmative.*

Browne,  
McClelland,  
Cock,

Scott,  
Morrison,  
McCarren,

Benedict,  
Ross,  
Beers.

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# STATE OF NEW YORK.

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No. 107.

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## IN ASSEMBLY,

MAY 11, 1882.

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and the Clerk, with the consent of the House, referred the following bills to the sub-committee of the whole:

No. 587, G. O. 526 — Mr. Gideon:

An act to amend chapter 178 of the Laws of 1877, entitled "An act in relation to bets, wagers and pools."

No. 731, G. O. 710 — Mr. Newman:

An act to regulate the practice of veterinary medicine and surgery in this State.

No. 732, G. O. 711 — Mr. Armstrong:

An act for the improvement of the highway between Fort Miller bridge and Fort Miller village, in Washington county.

No. 733, G. O. 712 — Mr. Binninger:

An act authorizing the canal appraisers to hear a motion for a rehearing of the claim of Joseph Miser, Jr.

Senate Bill No. 213, G. O. 752 — Senator Treanor:

An act in relation to the grades of streets and avenues in that part of the city of New York between Eighty-fourth and Ninety-sixth streets, and between the Boulevard and the Riverside drive.

Senate Bill No. 203, G. O. 764 — Senator Lynde:

An act respecting intrusion upon the lands of the St. Regis Reservation.

Senate Bill No. 196, G. O. 750 — Senator Russell:

An act to amend chapter 457 of the Laws of 1881, entitled "An act to amend chapter 377 of the Laws of 1880, entitled 'An act in relation to the government of the city of Brooklyn.'"

Senate Bill No. 138, G. O. 724 — Senator Allen :

An act to amend the Code of Civil Procedure.

Senate Bill No. 135, G. O. 725 — Senator Koch :

An act to constitute certain testimony, depositions, exhibits, maps and proceedings evidence in actions or proceedings involving a question as to the situs of lot No. 143 of the common lands (so called) in the city of New York.

Senate Bill No. 100, G. O. 555 — Senator Allen :

An act to amend the Code of Civil Procedure.

Senate Bill No. 96, G. O. 753 — Senator Thomas :

An act to authorize the city of Binghamton to purchase the lot on Whitney street in the fourth ward of said city now rented by said city of Augustus L. Harding.

Senate Bill No. 64, G. O. 700 — Senator Lynde :

An act to amend chapter 591 of the Laws of 1880, entitled "An act for the appointment of game and fish protectors."

Senate Bill No. 63, G. O. 763 — Senator Lynde :

An act to amend sections 21 and 23 of chapter 534 of the Laws of 1879, as amended by chapter 531 of the Laws of 1880, entitled "An act for the preservation of moose, wild deer, birds, fish and other game."

Senate Bill No. 209, G. O. 751 -- Senator Russell :

An act to enable the board of education of the city of Brooklyn to sell certain lands.

Senate Bill, Int. No. 167, G. O. 754 — Senator Baldwin :

An act to amend chapter 370 of the Laws of 1875, entitled "An act to amend and consolidate the several acts relating to the city of Elmira."

Senate Bill, Int. No. 176, G. O. 726 — Senator Roberts :

An act to amend chapter 103 of the Laws of 1882, entitled "An act to establish a local court of civil and criminal jurisdiction in the city of Utica."

# STATE OF NEW YORK.

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No. 108.

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## IN ASSEMBLY,

MAY 11, 1882.

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### REPORT IN PART ON THE INVESTIGATION OF WORK ON THE NEW CAPITOL.

*To the Committee of Ways and Means of the Assembly :*

Having been directed by you, under a resolution of the Assembly, to investigate the manner and system of conducting the work of construction on the Capitol building and the conditions of such work, to the end that all information of value to your committee and to the Legislature, in the consideration of bills appropriating funds for the further prosecution of the work, might be presented, and that provisions for its earliest completion might be adopted without waste or extravagance, we beg leave to report that we have prosecuted the investigation with as little delay as permitted by other legislative duties imposed upon us, and respectfully submit the following :

We have conducted our investigation up to this time, with a view of eliciting all facts of importance bearing upon the management and construction, and the condition of the work performed under the present superintendent, architects and commissionere.

#### CONDITION OF THE WORK.

The unfinished portions of the Capitol are one story of the west center and roof ; two stories of the two pavilions — including roofs adjoining north and south ; the east center roof and the adjoining north pavilion roof ; the Senate and the west stair-cases ; the front terrace and entrance ; the north and south porticoes, and the west entrance. Much interior work remains unfinished in all parts of the east and west center, and in these unfinished parts the State Library and the new room of the Court of Appeals are to be located. In the Assembly chamber and in the Senate chamber, much work is to be completed in historical embellishments requiring the most costly artist labor in sculpture and plaster. Two groups of statuary of heroic size are proposed for the east front to occupy pedes-

tals now prepared for them. The work of the proposed great dome, excepting its base — which is to reach a point above the east center roof — is uncommenced. The walls of many of the halls, corridors and rooms are unfinished, while others already need repainting and repairs. The furniture for such departments as will at some future day occupy the building is uncompleted. Other features of construction are proposed as affecting the exterior walls to harmonize the differences which exist in the general appearance of the building occasioned by the change of plans.

### PLANS.

The design or plan upon which the work has progressed since the engagement of the present architects was adopted June 5, 1876. It is known as the "modified design." The estimate of cost based upon it by the architects and the bids of what were termed "responsible bidders" has now been exceeded a million dollars. As the amount of these bids added to the then previous cost brought the total estimated cost up to \$12,206,663.30, while up to this date, \$13,222,993.09 has been appropriated for the construction of the New Capitol, of which probably less than \$100,000 remains unexpended. The "modified design" — as it exists — is to be found in the office of the architect in New York city, where it was examined by your committee. The plan is made up of a general design, in part of accepted plan and certain general outlines of construction, which are carried out in detail at the request of the commissioners as it became necessary for them to expend the annual appropriations. The commissioners, superintendent and architects confidently assert that these accepted plans and ideas of construction afford sufficient data on which to base a just estimate of the amount necessary for the completion of the work, and concur in the correctness of the estimates communicated to the Legislature, April 20, 1881, and February 22, 1882. These plans accepted and unaccepted can be determined as to their application to the construction of the unfinished parts of the building only by the commissioners.

### MAINTENANCE DEPARTMENT.

The present Legislature has appropriated \$65,000 for the care of the finished portions of the Capitol building. As at present constituted the maintenance department has no responsible head, and serves to distract the attention of those whose services by their official position are required wholly in the construction department. The management of the department is totally insufficient, the salary list too large for the service rendered, and the per diem compensation of some of the employees too small for the kind of service required. The safety of the building and its property is not provided for by any adequate power to enforce order, or regulations to govern the same. The heating and ventilating apparatus is sufficient with



proper management to meet the want of the building. The engineering department needs to be placed beyond any possible political interference, and supported with adequate salaries, that the employees may be of undoubted qualification, and placed beyond the ordinary probability of change by the inducement of higher wages elsewhere.

### CONCLUSIONS.

Your committee will not found their conclusions alone on the testimony attached, to which reference is made for your particular consideration. We have, by careful observation and examinations (aside from the examination of witnesses), informed ourselves upon all matters connected with the question under consideration that opportunity afforded, with a view of reaching a speedy result upon the questions herein mentioned to meet the demand of the present Legislature. We are of the opinion that the same evils of construction attend the Capitol work under the present commission as were deemed reprehensible under the former commission system.

Every economic plan and suggestion looking to an early completion of the building, as promised in the "modified design," has been set aside, and the well-merited criticisms occasioned by delays and errors have been deemed by the commissioners and architects as matters of no consequence.

The unfinished work of the building is progressing upon plans accepted and unaccepted with elastic outlines as to detail and materials which guaranty no basis for a safe estimate as to its future cost. The State is confronted now with the necessity of continuing the work as a matter of true economy—with all its acknowledged errors of construction—that it may be finished. The demand for stringent limitation as to style and material of construction hereafter is now as great, if not greater than ever before. The grounds, grand entrance, porticoes and stair-cases afford such fields for expense as forbid your committee to even approximate as to the sum that will be required under the present system of construction to complete the building. In failing to determine this desirable question for the benefit of the Legislature, we agree that the greatest public danger is not in the extent of the cost, but rather in the opportunity still afforded to erect costly experiments in the shape of architectural monuments to an architect's skill, or emblazon in a more remarkable manner the opulent "pride" of a commissioner. We recommend that steps be taken to provide against the erection of the proposed dome until the necessities of its erection are made apparent by the full completion of all exterior parts of the building, and then only after an acceptable plan for its proper construction is agreed upon by competent engineers. It is for the Legislature to determine as to the immediate necessity of proceeding to the erection of the porticoes and stair-cases, and as to the portions of the work to be completed in the immediate future. We agree that serious mistakes have been made as to the utility of the plans adopted, and errors of workmanship are

particularly manifest in the north center. Those who have deliberated and perpetrated these faults ought not to be held blameless. Many essential figures and facts are not reported herewith for reasons that the witnesses could not be reached or the printed testimony transmitted at this time. Your committee will proceed hereafter to investigate more fully as to the condition of safety of the vaulted ceiling of the Assembly chambers, and the use of sandstone throughout the building, and other matters, which seem to demand an investigation of the most searching character.

All of which is respectfully submitted.

THOS. E. BENEDICT,  
J. HAMPDEN ROBB,  
GEORGE Z. ERWIN

ALBANY, *May* 9, 1882.

# STATE OF NEW YORK.

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No. 109.

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## IN ASSEMBLY,

MAY 11, 1882.

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### REPORT

OF THE ATTORNEY-GENERAL IN RESPONSE TO A  
RESOLUTION OF THE ASSEMBLY, IN REGARD TO  
THE RIGHT OF WOMAN TO VOTE.

STATE OF NEW YORK:

OFFICE OF THE ATTORNEY-GENERAL,  
ALBANY, *May* 10, 1882. }

*To the Assembly of the State of New York:*

I have the honor to acknowledge the receipt of the resolution of the Assembly requesting the Attorney-General to report his opinion as to the constitutionality of Assembly Bill, No. 637, which provides that "every woman shall be free to vote under the qualifications required of men, or to refrain from voting as she may choose; and no person shall be debarred by reason of sex from voting at any election or at any town meeting, school meeting, or other choice of government functionaries whatsoever," and whether without an amendment to the Constitution suffrage can be granted to any class of persons not named in the Constitution. I reply

*First.* It has been decided so often by the judicial tribunals of various of the States of the Union and by the Supreme Court of the United States, that suffrage is not a natural, inherent right, but one governed by the law-making power and regulated by questions of availability and expediency instead of absolute inalienable right, that the question is no longer open for discussion either by the judicial forums or legislative assemblies.

Burnham v. Laning, 1 Legal Gazette Rep. 411,  
Supreme Court, Pennsylvania.

Minor v. Happersett, 21 Wallace, 162.

Day v. Jones, 31 Cal. 261.

Anderson v. Baker, 28 Md. 531.

Abbot v. Bayley, 6 Pick. 92.

2 Dallas, 471, 2.

In re Susan B. Anthony, 11 Blatch. 200.

At the common law women had no right to vote and no political status.

Maine's Ancient Law, 140.  
Cooley's Const. Lim. 599.  
Blackstone's Comm. 171.

*Second.* Therefore the Constitution of the State of New York providing that every male citizen of the age of twenty-one years, who shall have certain other qualifications, may vote, the determination of the organic law specifying who shall have the privilege of voting, excludes all other classes, such as women, persons under twenty-one years of age and aliens. The argument that because women are not expressly prohibited, they may vote, fails to give the slightest force to the term "male" in the Constitution; and by the same force of reasoning the expression of the term "citizen" and the statement of the age of twenty-one years would not necessarily exclude aliens and those under twenty-one years of age from voting. Therefore assuming that our organic law was properly adopted without the participation of women either in making or adopting it, that organic law controls.

*Third.* It follows, therefore, as a logical consequence, that the proposed reform can not be accomplished except by an amendment of the Constitution, ratified by two successive legislatures and the people, or by a constitutional convention, whose work shall be sanctioned by a vote of the people.

Respectfully submitted,

LESLIE W. RUSSELL,

*Attorney-General.*

# STATE OF NEW YORK.

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No. 110

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## IN ASSEMBLY,

MAY 11, 1882.

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### PREAMBLE

### AND RESOLUTION OF THE AMERICAN FORESTRY CONGRESS.

*Whereas*, the legislature of the State of New York has now before it a bill which proposes to set apart as a great State forest the State lands in the Adirondack mountain district of the State; therefore be it

*Resolved*, That the American Forestry Congress hereby approves this action on the part of the State authorities, and that we respectfully recommend that the legislatures of other States possessing large areas of forests, take similar measures to preserve such forests as are valuable conservators of moisture and important as reserves of timber.

JOHN SIMPKINSON,  
*President.*

WM. L. DEBECK,  
*Recording Secretary.*



# STATE OF NEW YORK.

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No. 111.

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## IN ASSEMBLY.

MAY 11, 1882.

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### REPORT

#### OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Sweet, from the sub-committee of the whole, to which was referred Assembly bill, G. O. 693, printed No. 705, entitled "An act to amend chapter 380, of the Laws of 1862, entitled 'An act to amend an act entitled 'An act to incorporate the village of Mount Morris,' passed May 2, 1835, and the several subsequent acts amending the same," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

#### *For the Affirmative.*

Sweet,	Scott,	Ross,	
Van Dusen,	McCarren,	Beers,	
M. R. Jones,	Benedict,	Page.	9

Mr. Sweet, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 704, printed No. 714, entitled "An act to incorporate Luther M. Wheeler Post Number 92, Grand Army of the Republic," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

#### *For the Affirmative.*

Sweet,	Scott,	Ross,	
Van Dusen,	McCarren,	Beers,	
M. R. Jones,	Benedict,	Page.	9

Mr. Sweet, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 551, printed No. 615, entitled "An act to protect persons traveling on the streets and avenues of the city of

New York," reported in favor of the passage of the same, with an amendment, as follows:

Section two, line six, after the word "on," insert "the surface of."  
Said bill was ordered reported by the following vote:

*For the Affirmative.*

Sweet,  
Van Dusen,  
M. R. Jones,

Scott,  
McCarren,  
Benedict,

Rosa,  
Beers,  
Page.

9

Mr. Sweet, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 699, printed No. 710, entitled "An act to amend chapter 131, of the Laws of 1843, entitled 'An act to incorporate the Trustees of the New York Annual Conference of the Methodist Episcopal Church,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Sweet,  
Van Dusen,  
M. R. Jones,

Scott,  
McCarren,  
Benedict,

Ross,  
Beers,  
Page,

9

Mr. Sweet, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 695, printed No. 707, entitled "An act to amend chapter 157, of the Laws of 1844, entitled 'An act incorporating the village of Mohawk,' passed April 16, 1844," reported in favor of the passage of the same, with amendments, as follows:

Section one, line one, strike out the words "said act," and insert "chapter 157 of the Laws of 1844"; also amend the title by striking out the words "passed April 16, 1854."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Sweet,  
Van Dusen,  
M. R. Jones,

Scott,  
McCarren,  
Benedict,

Ross,  
Beers,  
Page.

9

Mr. Sweet, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 690, printed No. 704, entitled "An act to provide for the construction, repair and improvement of docks, wharves, piers, slips and bulk-heads in the city of New York, and for the management and control of the same," reported in favor of the passage of the same, with amendments, as follows:

Section one, line twenty-four, strike out the word "but," and insert "and the"; line twenty-five, strike out the word "not," and insert before the word "power," "same"; line twenty-six, strike out the words "now established by law," and insert "his predecessors"; section two, line sixteen, strike out words "the same," and insert "same



city"; section three, line eleven, after the word "daily," insert "for the same period"; line twenty-seven after the word "same," insert "but this section shall not change or impair the power of the commissioners to provide for and permit the shedding of piers as by law provided, prior to the passage of this act"; section six, line twenty, after the word "covenants," down to and including the word "renewal," in line twenty one; section eleven, line three, after the word "him," insert "if any"; section thirteen, line five, after the word "appointed," insert "or heretofore appointed."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Sweet,  
Van Dusen,  
M. R. Jones,

Scott,  
McCarren,  
Benedict,

Ross,  
Beers,  
Page.



# STATE OF NEW YORK.

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**No. 112.**

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## IN ASSEMBLY,

**MAY 12, 1883.**

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### LIST OF GENERAL ORDERS.

G. O.

708. (Printed Senate No. 201.) An act to amend section 8 of chapter 542 of the Laws of 1880, as amended by chapter 361 of the Laws of 1881, entitled "An act to provide for raising taxes for the use of the State upon certain corporations, joint-stock companies and associations."
709. An act to provide for building a bridge across the Tonawanda creek in the Tonawanda Indian Reservation and making an appropriation for the same.
710. An act to regulate the practice of veterinary medicine and surgery in this State.
711. An act for the improvement of the highway between Fort Miller bridge and Fort Miller in Washington county.
712. An act authorizing the canal appraisers to hear a motion for a rehearing of the claim of Joseph Miser, Jr.
713. An act supplemental to chapter 550 of the Laws of 1880, entitled "An act relating to certain assessments for local improvements in the city of New York."
714. An act to amend chapter 623 of the Laws of 1881, entitled "An act to incorporate the New York Storage and Security Company."
715. An act to exempt the real estate of the trustees of the Ebenezer Baptist Church, situated in the city of New York, from certain assessments.
716. (Senate.) An act to amend chapter 475 of the Laws of 1879, entitled "An act to amend chapter 151 of the Laws of 1875, entitled 'An act to incorporate the German Society in the city of New York.'"
717. (Printed Senate No. 264.) An act to release the interest of the people of the State of New York in certain real estate in the
- [Assem. Doc. No. 112.]

G. O.

city of Buffalo, in the county of Erie and State of New York, to John Pax, as executor of the will of Elizabeth Swirlie, deceased.

718. (Printed Senate No. 282.) An act reappropriating money for the erection of an armory in the county of Kings.
719. An act directing the purchase of copies of the Public Service of the State of New York, and making an appropriation therefor.
720. An act to amend section 8 of chapter 361 of the Laws of 1881, entitled "An act to amend chapter 542 of the Laws of 1880, entitled 'An act to provide for raising taxes for the use of the State upon certain corporations, joint-stock companies and associations.'"
721. An act to enable the commissioners of emigration to exclude from the benefits of the State Emigrant Institutions at Castle Garden and Ward's Island such steamship companies as will not contribute toward the maintenance of said institutions.
722. An act to amend part 2, chapter 1, title 2, article 2, section 55 of the Revised Statutes.
723. An act to permit the election of town commissioners in the several towns of this State bonded in aid of railroads.
724. (Printed Senate No. 138.) An act to amend the Code of Civil Procedure.
725. An act to constitute certain testimony, depositions, exhibits, maps and proceedings evidence in actions or proceedings involving a question as to the sites of lot No. 143 of the common lands (so called) in the city of New York.
726. (Senate.) An act to amend chapter 103 of the Laws of 1882, entitled "An act to establish a local court of civil and criminal jurisdiction in the city of Utica."
727. An act to amend chapter 140 of the Laws of 1850, entitled "An act to authorize the formation of railroad corporations, and to regulate the same, and the several acts amendatory thereof."
728. An act to legalize and confirm the official acts of John E. Rowell, a justice of the peace of the town of Kortright, in the county of Delaware, and of Walter L. Peck, a justice of the peace in the town of Lisle, in the county of Broome.
729. An act to amend article 5, section 40 of chapter 280 of the Laws of 1847, entitled "An act in relation to the judiciary," passed May 12, 1847.
730. An act requiring the production of a person whose life measures a prior estate, or real property, or proof that he is living.
731. An act to enforce collection of the taxes levied in the county of Jefferson.

G. O.

732. An act to authorize the superintendent of public works to construct an iron foot bridge over the Champlain canal in the village of Whitehall, Washington county, N. Y., and to make an appropriation therefor.
733. An act to assess and levy upon certain corporations, joint-stock companies and associations in the city and county of New York certain assessments and taxes for the years 1880 and 1881, and providing for the payment of such taxes for the purposes of the local government of said city.
734. An act to provide for the payment of assessments for opening of streets, avenues and public places, and for other public improvements in the 23d and 24th wards of the city of New York.
735. An act in relation to the construction of sewers in the city of Schenectady, and to authorize the common council of such city to borrow money for the purpose.
736. An act to supply the city of Schenectady with water.
737. An act in relation to the health department of the city of New York, and designating and providing for the punishment of certain offenses.
738. An act in relation to steam boilers in the city of New York.
739. An act to amend section 2 of chapter 440 of the Laws of 1879, entitled "An act to authorize the benevolent society in the city of New York, known as the Maimonides Benevolent Society to buy, hold and dispose of lands for cemetery purposes."
740. An act to enable the board of education in the city of New York to provide employment for teachers who may be relieved from duty on account of their consolidation or discontinuance of schools.
741. An act to amend chapter 450 of the Laws of 1881, entitled "An act to secure the registration of plumbers and the supervision of plumbing and drainage in the city of New York and Brooklyn."
742. An act in relation to the improvement and sale of certain lands in towns adjacent to the city of Brooklyn.
743. An act providing for the better laying out and improving that portion of the city of New York lying between Center street near to the entrance of the Brooklyn bridge on the south and Great Jones street on the north.
744. An act in relation to cleaning the streets of the city of Brooklyn.
745. An act to provide for the grading and paving of a certain portion Ferris street in the city of Brooklyn.

G. O.

746. An act to repeal chapter 147 of the Laws of 1881, entitled "An act to secure the performance of proposals for work and supplies to be furnished to the mayor, aldermen and commonalty of the city of New York."
747. An act concerning and in relation to the office of the commissioner of jurors in the city and county of New York.
748. An act to confirm and legalize certain taxes in the city of Brooklyn and in relation to the payment of the same.
749. An act authorizing the city of Brooklyn to release certain lands defective in title.
750. (Printed Senate No. 196.) An act to amend chapter 457 of the Laws of 1881, entitled "An act to amend chapter 377 of the Laws of 1880, entitled 'An act in relation to the government of the city of Brooklyn.'"
751. (Printed Senate No. 209.) An act to enable the board of education of the city of Brooklyn to sell certain lands.
752. (Printed Senate No. .) An act in relation to the grades of streets and avenues in that part of the city of New York between Eighty-fourth and Ninety-sixth streets, and between the Boulevard and the Riverside drive.
753. (Printed Senate No. 96.) An act to authorize the city of Binghamton to purchase the lot in Whiting street, in the fourth ward of said city, now rented by said city of Augustus L. Harding.
754. (Printed Senate No. .) An act to amend chapter 370 of the Laws of 1875, entitled "An act to amend and consolidate the several acts relating to the city of Elmira."
755. An act to amend chapter 329 of the Laws of 1874, entitled "An act to re-enact and amend an act entitled 'An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York.'"
756. An act to amend an act further to provide for the construction of a steam railway or railways in the counties of the State, passed June 18, 1875.
757. An act to regulate the interchange of freight and passengers between the Central Vermont railroad and the Ogdensburgh and Lake Champlain railroad, at Rouse's Point.
758. An act to amend chapter 400 of the Laws of 1872, entitled "An act to incorporate the Oswegatchie Bridge Company."
759. An act to amend chapter 77 of the Laws of 1873, entitled "An act to equalize the representation of the board of supervisors of Fulton county."
760. An act to confirm the official acts of Samuel H. Case, Maurice W. Rowe and Charles A. James, commissioners of excise in and for the town of Oneonta, Otsego county.

G. O.

761. An act to regulate the standard of illuminating oils and fluids for the better protection of life, health and property.
762. An act to establish a Military Evening School in the city of New York for the instruction and examination of persons seeking commissions in the National Guard.
763. (Printed Senate No. 63.) An act to amend sections 21 and 23 of chapter 534 of the Laws of 1879, as amended by chapter 531 of the Laws of 1880, entitled "An act for the preservation of moose, wild deer, birds, fish and other game.
764. An act respecting intrusion upon the lands of the St. Regis Reservation.
765. An act to further amend chapter 365 of the Laws of 1871, entitled "An act to incorporate the New York Cotton Exchange, as amended by chapter 228 of the Laws of 1880, entitled 'An act to amend chapter 365 of the Laws of 1871, entitled An act to incorporate the New York Cotton Exchange.'"
766. An act to authorize and require the Comptroller of the State to settle with the treasurer of the county of Herkimer, in relation to certain non-resident taxes.
767. An act making an appropriation for the commissioners of emigration.
768. (Printed Senate No. 116.) An act to limit and define the liability of cities and incorporated villages for accidents happening upon their respective streets and public places.
769. (Printed Senate No. 162.) An act relating to appeals to the Court of Appeals in cases arising in Surrogates' Courts.
770. An act to amend the Code of Civil Procedure.
771. An act to amend chapter 415 of the Laws of 1876, being an act entitled "An act supplementary to chapter 737, Laws of 1873, entitled 'An act in relation to the creation of water-works companies at towns and villages of the State of New York.'"
772. An act further to amend chapter 863 of the Laws of 1873, entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof."
773. An act to provide for the construction, regulation, survey and inspection of buildings in the city of New York, and the better protection of life and property therein, and to repeal former acts relating to that subject, viz.: Chapter 625, Laws of 1871, as amended by chapter 547, Laws of 1874, and chapter 687, Laws of 1881.
774. An act relating to actions brought by the mayor, aldermen and commonalty of the city of New York to recover penalties for violation of corporation ordinances, and the collection thereof.
675. An act to amend chapter 86 of the Laws of 1874, entitled "An act to incorporate the butter and cheese exchange of New York."

G. O. ✓

776. An act for the appointment of police matrons of the several cities of this State.

777. (Printed Senate No. 340.) An act to expedite the improvement of the Harlem river and Spuyten Duyvil creek, as authorized by chapter 147 of the Laws of 1876, and the acts amendatory thereof and supplementary thereto, passed May 20, 1879, March 17, 1880, and March 28, 1881, and to facilitate the proceedings of the commissioners appointed under said act.

778. An act in relation to insurance companies which have changed from mutual to joint-stock corporations under and pursuant to the provisions of chapter 466 of the Laws of 1853, and the acts amendatory thereof, and more particularly defining the effect of such change.

779. An act to amend chapter 683 of the Laws of 1871, entitled "An act amending, revising and consolidating the several acts in relation to the village of Greenbush."

780. An act to authorize the sale or transfer of State lands in the village of Oneida Castle.

781. (Printed Senate No. 183.) An act to regulate the rate of fare to be charged and collected by persons or corporations operating elevated railroads in the city of New York.







# STATE OF NEW YORK.

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**No. 118.**

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## IN ASSEMBLY,

MAY 16, 1882.

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and the Clerk, with the consent of the House, referred the following bills to the sub-committee of the whole:

**No. 734, G. O. 714 — Mr. Shanley:**

An act to amend chapter 623 of the Laws of 1881, entitled "An act to incorporate the New York Storage and Security Company."

**No. 735, G. O. 715 — Mr. Robb:**

An act to exempt the real estate of the trustees of the Ebenezer Baptist Church, situated in the city of New York, from certain assessments.

**No. 751, G. O. 722 — Mr. Schoonmaker:**

An act to amend part 2, chapter 1, title 2, article 2, section 55 of the Revised Statutes.

**No. 752, G. O. 723 — Mr. Searl:**

An act to permit the election of town commissioners in the several towns of this State bonded in aid of railroads.

**No. 753, G. O. 727 — Mr. Parker:**

An act to amend chapter 140 of the Laws of 1850, entitled "An act to authorize the formation of railroad corporations, and to regulate the same, and the several acts amendatory thereof."

**No. 754, G. O. 728 — Mr. Treadwell:**

An act to legalize and confirm the official acts of John E. Powell, a justice of the peace of the town of Kortright, in the county of Delaware, and of Walter L. Peck, a justice of the peace in the town of Lisle, in the county of Broome.

No. 755, G. O. 729 — Mr. Cleary:

An act to amend article 5, section 40 of chapter 280 of the Laws of 1847, entitled "An act in relation to the judiciary," passed May 12, 1847.

No. 756, G. O. 730 — Mr. Brodsky:

An act requiring the production of a person whose life measures a prior estate in real property, or proof that he is living.

No. 757, G. O. 732 — Mr. Northup:

An act to authorize the superintendent of public works to construct an iron foot bridge over the Champlain canal in the village of Whitehall, Washington county, N. Y., and to make an appropriation therefor.

No. 758, G. O. 734 — Mr. Breen:

An act to provide for the payment of assessments for opening of streets, avenues and public places, and for other public improvements in the 23d and 24th wards of the city of New York.

No. 759, G. O. 735 — Mr. Campbell:

An act in relation to the construction of sewers in the city of Schenectady, and to authorize the common council of such city to borrow money for that purpose.

No. 760, G. O. 736 — Mr. Campbell:

An act to supply the city of Schenectady with water.

No. 761, G. O. 737 — Mr. E. C. Sheehy:

An act in relation to the health department of the city of New York, and designating and providing for the punishment of certain offenses.

No. 762, G. O. 738 — Mr. M. Patten:

An act in relation to steam boilers in the city of New York.

No. 763, G. O. 739 — Mr. Gideon:

An act to amend section 2 of chapter 440 of the Laws of 1879, entitled "An act to authorize the benevolent society in the city of New York, known as the Maimonides Benevolent Society, to buy, hold and dispose of lands for cemetery purposes."

No. 774, G. O. 740 — Mr. Breen:

An act to enable the board of education in the city of New York to provide employment for teachers who may be relieved from duty on account of the consolidation or discontinuance of schools.

# STATE OF NEW YORK.

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No. 114.

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## IN ASSEMBLY,

MAY 18, 1882.

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and the Clerk, with the consent of the House, referred the following bills to the sub-committee of the whole:

No. 696, G. O. 679 — Mr. Robb:

An act to incorporate the Metropolitan Iron and Metal Exchange.

No. 778, G. O. 755 — Mr. Breen:

An act to amend chapter 329 of the Laws of 1874, entitled "An act to re-enact and amend the act entitled 'An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York.'"

No. 779, G. O. 762 — Mr. Breen:

An act to establish a military evening school in the city of New York, for the instruction and examination of persons seeking commissions in national guard.

No. 782, G. O. 713 — Mr. Keyes:

An act to further amend chapter 37 of the Laws of 1848, being an act entitled "An act to authorize the formation of gas-light companies."

No. 405, G. O. 364 — Mr. Poucher:

An act to reappropriate the moneys appropriated by chapter 252 of the Laws of 1880, entitled "An act to provide for the construction of fishways in the State dams across the Oswego, Oneida and Seneca rivers."

No. 575, G. O. 510 — Mr. Fletcher:

An act to incorporate the Produce, Warehousing and Security Company.

Senate Bill No. 116, G. O. 768 — Senator F. Lansing :

An act to limit and define the liability of cities and incorporated villages for accidents happening upon their respective streets, highways, parks and public places.

Senate Bill No. 306, G. O. 803 — Senator Covert :

An act in relation to taxes in Long Island City, and to confirm, levy and collect the same.

Senate Bill No. 286, G. O. 789 — Senator Koch :

An act to amend the Code of Civil Procedure.

Senate Bill No. 143, G. O. 785 — Senator Browning :

An act to amend chapter 496 of the Laws of 1881, entitled "An act to amend chapter 428 of the Laws of 1877, entitled 'An act for the protection of children and to prevent and punish certain wrongs to children, and to repeal chapter 48 of the Laws of 1859.' "

# STATE OF NEW YORK.

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No. 115.

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## IN ASSEMBLY.

MAY 18, 1882.

---

### REPORT

#### OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Browne, from the sub-committee of the whole, to which was referred Assembly bill, G. O. 685, printed No. 700, entitled "An act to amend chapter 207 of the Laws of 1879, entitled 'An act in relation to sewers and drainage in the city of Brooklyn,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

#### *For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	Morrison,	Noyes,	
Van Dusen,	McCarren,	Page.	11
M. R. Jones,	Ross,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 356, printed No. 392, entitled "An act in relation to abandonment proceedings before police justices in the city of New York," reported in favor of the passage of the same, with an amendment in line one of section one. After the word "threaten" insert "with intent."

Said bill was ordered reported by the following vote:

#### *For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	Morrison,	Noyes,	
Van Dusen,	McCarren,	Page.	10
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 231, printed No. 270, entitled "An act in respect to spies who assist, induce or inveigle others to commit

crimes for the purpose of informing against them," reported in favor of the passage of the same, with an amendment, as follows :

Section one, line three, strike out the word "or" after the word "revenge," and insert the word "and."

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Van Dusen,	Morrison,	
McClelland,	M. R. Jones,	McCarren,	
Sweet,	Scott,	Benedict.	9

*For the Negative.*

Ross,	Noyes,	Page.	4
Beers,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 678, printed No. 695, entitled "An act relative to certain resolutions of the board of supervisors of the city and county of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	McCarren,	Beers,	
Van Dusen,	Benedict,	Noyes.	10
M. R. Jones,			

*For the Negative.*

Morrison.			1
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 740, printed No. 774, entitled "An act to enable the board of education of the city of New York to provide employment for teachers who may be relieved from duty on account of the consolidation or discontinuance of schools," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	M. R. Jones,	Ross,	
McClelland,	Scott,	Beers,	
Sweet,	Morrison,	Noyes,	
Van Dusen,	McCarren,	Page.	12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 656, printed No. 625, entitled "An act to amend chapter 389 of the Laws of 1878, entitled 'An act to create a police pension fund for disabled and retired policemen in the city



of New York,' and to provide for the equalization of pensions," reported in favor of the passage of the same, with amendments as follows:

Section five, lines five and six, strike out the words "unanimously adopted by a full board;" insert at the end of line eight the words "of a sum;" line nine, strike out the words "exceeding one-half nor less than one-fourth," and insert "less than one-half."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	11
M. R. Jones,	Benedict,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 394, printed No. 433, entitled "An act to amend chapter 213 of the Laws of 1866, entitled 'An act to incorporate the village of Oswego Falls,' and the several acts amendatory thereof," reported in favor of the passage of the same, with amendments as follows:

Section five, line seventeen, strike out the word "name," and insert "manner."

Section six, line four, strike out the word "repaving," and insert "repairing."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
Van Dusen,	Benedict,	Page,	13
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 168, printed No. 208, entitled "An act to amend chapter 450 of the Laws of 1847, entitled 'An act requiring compensation for causing death by wrongful act, neglect or default,' as amended by chapter 256 of the Laws of 1849, and chapter 78 of the Laws of 1870," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Beers,	
McClelland,	Scott,	Noyes,	
Sweet,	McCarren,	Page,	11
Van Dusen,	Ross,		

*For the Negative.*

Morrison.

1

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 331, printed No. 373, entitled "An act to regulate the employment of the convicts in the prisons of this State, and in the State reformatory," reported in favor of the passage of the same, with amendments, as follows:

Section one, line two, strike out the words, "prisons of this State, or in the"; line three, before the word "except," insert "at Elmira"; section two, line two, strike out the words "of State prisons"; section three, line one, strike out the word "convicts," and insert "inmates"; lines two and three, strike out the words "any of the State prisons or in"; section four, line two, strike out the words "of State prisons"; section six, line one, before the word "dollars," insert "20,000," and after the word "appropriate," insert "out of any unexpended balance in the treasury"; strike out all of line two after the word "superintendent," and insert "and the"; section seven, lines one and two, strike out the words "superintendent and"; line seven, strike out the words "such persons and," and insert "said"; also amend the title so that it will read "An act to regulate the employment of the inmates in the State reformatory at Elmira."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
McClelland,  
Sweet,  
Van Dusen,  
M. R. Jones,

Scott,  
Morrison,  
McCarren,  
Benedict,

Ross,  
Beers,  
Noyes,  
Page.

13

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 711, printed No. 732, entitled "An act for the improvement of the highway between Fort Miller bridge and Fort Miller village, in Washington county," reported in favor of the passage of the same, with an amendment, as follows:

Section two, lines one and two, strike out the words "is hereby authorized and empowered to," and insert "may in his discretion and with the approval of the State Treasurer."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
McClelland,  
Sweet,  
Van Dusen,

M. R. Jones, †  
Scott,  
Morrison,

McCarren,  
Benedict,  
Ross.

10

*For the Negative.*

Beers,

Page.

2

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 667, printed No. 687, entitled "An

act incorporating the Brooklyn City Improvement Company, "reported in favor of the passage of the same, with amendments, as follows:

Section one, line two, strike out the first word "and," and insert after "James Donovan," "John Edmonson, Thomas Carrol and Robert Furey."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Benedict,	
McClelland,	Scott,	Ross,	
Sweet,	Morrison,	Noyes.	11
Van Dusen,	McCarren,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 631, printed No. 679, entitled "An act to amend sections 2060 and 2063 of the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
M. R. Jones,	Benedict,	Page.	12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 706, printed No. 716, entitled "An act to amend section 27, chapter 103 of the Laws of 1882, entitled 'An act to establish a local court of civil and criminal jurisdiction in the city of Utica,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
Van Dusen,	Benedict,	Page.	13
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 715, printed No. 735, entitled "An act to exempt the real estate of the trustees of the Ebenezer Baptist Church, situated in the city of New York, from certain assessments," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Benedict,
Oock,	Scott,	Erwin,
Sweet,	McCarren,	Page.
Van Dusen,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, Int. No. 176, G. O. 726, entitled "An act to amend chapter 103 of the Laws of 1882, entitled 'An act to establish a local court of civil and criminal jurisdiction in the city of Utica,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Beers,	
McClelland,	Scott,	Noyes,	
Sweet,	Morrison,	Page.	11
Van Dusen,	McCarren,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 751, printed No. 209, entitled "An act to enable the board of education in the city of Brooklyn to sell certain lands," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Beers,	
McClelland,	Morrison,	Noyes,	
Van Dusen,	McCarren,	Page.	10
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 676, printed No. 221, entitled "An act to authorize the corporation 'The Sisters of Charity of St. Vincent de Paul' to grant and convey certain lands in the city of New York to the corporation 'The St. Vincent's Hospital of the city of New York,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
Van Dusen,	Benedict,	Page.	13
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 724, printed No. 138, entitled "An act to amend the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Morrison,	Beers,	
McClelland,	McCarren,	Noyes,	
Van Dusen,	Benedict,	Page.	11
Scott,	Ross,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 725, printed No. 135, entitled "An act to constitute certain testimony, depositions, exhibits, maps and proceedings evidence in actions or proceedings involving a question as to the situs of lot No. 143 of the common lands (so called) in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes,	
Van Dusen,	Benedict,	Page.	13
M. R. Jones,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 112, printed No. 65, entitled "An act to secure to inmates of institutions for the care of the poor freedom of worship," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Benedict,	
McClelland,	Morrison,	Ross,	
Van Dusen,	McCarren,	Beers.	9

*For the Negative.*

Scott,	Page.	2
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Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 674, printed No. 214, entitled "An act to authorize the commissioners of the land office to grant all the interest of this State in certain lands formerly under the waters of the Catskill creek in the village of Catskill, in the county of Green, but which have since been filled in," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	McCarren,	
McClelland,	Scott,	Beers,	
Sweet,	Morrison,	Noyes.	10
Van Dusen,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 687, printed No. 702, entitled "An act for laying out and establishing a new street from One Hundred and Fifty-second street and Ninth avenue, to Seventh avenue at the intersection of One Hundred and Fifty-fifth street in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	M. R. Jones,	Benedict,	
McClelland,	Scott,	Noyes,	
Sweet,	Morrison,	Page.	11
Van Dusen,	McCarren,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 752, printed No. 213, entitled "An act in relation to the grades of streets and avenues in that part of the city of New York between Eighty-fourth and Ninety-sixth streets, and between the Boulevard and the Riverside drive," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Brown,	M. R. Jones,	Benedict,	
McClelland,	Scott,	Noyes,	
Sweet,	Morrison,	Page.	11
Van Dusen,	McCarren,		

# STATE OF NEW YORK.

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No. 116.

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## IN ASSEMBLY,

MAY 18, 1882.

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### REPORT

OF THE COMMITTEE ON STATE PRISONS CONCERNING THE TREATMENT OF PERSONS COMMITTED TO THE STATE REFORMATORY AT ELMIRA.

*To the Assembly of the State of New York:*

Your committee, to whom it was referred to investigate the alleged abuses of the State Reformatory at Elmira, and to report to this House, with such recommendations as they may deem proper and necessary, respectfully submit the following report:

The distinctive character of the State Reformatory is indicated in the following extracts from its organic law:

\* \* \* "The discipline to be observed in said prison shall be reformatory, and the said managers shall have power to use such means of reformation, consistent with the improvement of the inmates, as they may deem expedient. Agricultural labor or mechanical industry may be resorted to by said managers as an instrument of reformation." \* \* \* (Revised Statutes, § 250.)

"It shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody as shall prevent them from committing crime, but secure their self-support and accomplish their reformation." \* \* \* (§ 7, chap. 173, Laws 1877.)

The name by which this prison is designated clearly expresses, therefore, the fundamental principle of the law by which it was created. It is designated the State Reformatory. It was intended to be a reformatory institution. This is the distinctive character which the legislature sought to impress upon it. A prison proper is understood to be a place of punishment for crime; and the punishment consists in restraint of personal liberty, hard labor, coarse fare, the prison garb, the hard bed, and, if discipline demands it, (Assem. Doc. No. 116.)

corporal chastisement, short rations, solitary confinement, the dark cell, deprivation of even the prison bed, and divers other inflictions and disabilities. The prisoner is thus made to feel the iron hand of the law which he has violated; but his reformation is made a secondary consideration, an incident which may, or may not, occur in connection with his punishment. And it may be that this is the only feasible policy for the State to adopt in reference to habitual and hardened offenders. But it had long been felt by those who are, for humanitarian reasons, interested in the condition of the criminal classes, that a different system ought to be followed in dealing with persons who are for the first time convicted of a felony, and who are not so far advanced in years as to be confirmed in evil ways beyond hope of rescue. Hence arose the reformatory scheme of prison management embodied in the statutes already cited. Under this scheme persons not known to have been previously convicted of a felony, and being not less than sixteen, nor more than thirty years of age, may, in the discretion of the court, be sentenced to imprisonment in the State Reformatory under a general or indefinite sentence; and the courts are expressly prohibited from fixing or limiting the duration of such imprisonment. The power of limiting and terminating such imprisonment is vested solely in the managers of the Reformatory, subject only to the restriction that "such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced." It is further provided in the organic law of this institution, that: "The board of managers shall, under a system of marks or otherwise, fix upon a uniform plan under which they shall determine what number of marks, or what credit shall be earned by each prisoner sentenced under the provisions of this act, as the condition of increased privileges, or of release from their control, which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for derelictions, negligences and offenses." \* \* \* (§ 8, chap. 173, Laws 1877.)

It was clearly the purpose of the State, therefore, to place this prison upon a different footing in respect to its management and discipline from that upon which our State prisons are established. The paramount design of it is the reformation of offenders. To this design the whole discipline and management must contribute. Questions relating to prison labor, the contract system, the public account system, the pecuniary gain or loss of the State, and the kind and amount of labor to be performed by the prisoners, must be held to be of secondary importance in connection with this institution. The State having declared a grand humanitarian purpose, and organized this Reformatory to carry out that purpose, it is right to assume that the State means to use every reasonable effort to achieve the best possible reformatory results. If the Reformatory can be so conducted as to effect the reformation of offenders, and at the same



time pay its own expenses out of the avails of its labor, or yield a revenue to the State, the people of the State will be doubly gratified. But if it cannot be so conducted as to effect the reformation of offenders without pecuniary loss to the State, then the State is presumably willing, and even pledged, to bear such loss cheerfully.

In this investigation your committee are specially charged with the duty of investigating certain alleged abuses in the Reformatory, and the abuses are alleged to consist in the cruel treatment of persons committed to this prison. We have deemed it proper, therefore, before taking up these allegations, to explain briefly the general character and purpose of the institution. Treatment which, in other prisons, might be regarded as necessary under the theory of punishment, and as falling within the limits of a wise discretion, might, in a reformatory institution, be justly objectionable on the ground of undue severity. The severest punishments can be proper only to the worst and most hardened offenders. Persons confined in the Reformatory are presumed not to belong to this class; but are those who have only taken their first lessons in crime. They are sent to this prison on the supposition that the milder forms of punishment, together with suitable employment and instruction under a system of merits and demerits, may lead to their reformation.

It is further proper to be observed that cruel and inhuman treatment may consist in a moral regime of undue severity and in an unwise and indiscriminating administration of the system of grading on the record of merits and demerits, as well as in the infliction of excessive corporal chastisement. Indeed, it is easy to conceive that prisoners of a sensitive mental organization may suffer a lesser torture and be driven to a more reckless and utter despair by such a regime and such an administration than by an occasional infliction of physical pain; and there can be no severer test of the wisdom, efficiency and success of prison management than that which we here suggest. Be the regime ever so wise in theory, yet, if the just and proper administration of it is not realized, whether through the incapacity or the willful malversation of prison officials, it will not prevent the existence of some of the most inhuman and crushing forms of cruelty.

In investigating the treatment of the inmates of the Reformatory, your committee have deemed it proper to inquire at some length concerning the contract system of prison labor as having an important bearing upon the subject of prison discipline. It has been alleged that there is an irreconcilable antagonism between the contract system and the proper and humane administration of prison discipline; that it is especially incongruous with the spirit and purposes of an institution for the reformation of offenders; and that the cruel and inhuman treatment of prisoners is the actual and natural, if not necessary, effect of the system. We could not refuse, therefore, to listen to what might be said concerning it.

In announcing the conclusions at which we have arrived in refer-

ence to the allegations of cruelty, we might content ourselves by merely saying *that we find them not proven*. But we feel that we should scarcely fulfill a just expectation on the part of the public if we failed to speak particularly of certain prisoners who are claimed to have been treated with great inhumanity.

#### THE PRISONER HUGHES.

The attention of this House was specially called to the case of the prisoner William Hughes, who committed suicide in his cell in the Reformatory on the 31st day of January, 1880. His remains were brought to the city of Albany for interment, and a post-mortem examination was held on the 2d day of February, 1880. Some of the physicians present at the post-mortem inferred from the appearance of the body, especially from the condition of the skin, that the body had been immersed, while yet alive, in scalding hot water, and that death might have been hastened, or partially, if not entirely, caused by such immersion. It appears conclusively, however, from the testimony of Dr. H. D. Wey, of Elmira, who is the physician of the Reformatory, and the testimony of Charles Junius, a prisoner, who assisted him in administering a warm bath to Hughes immediately after he was cut down, that the water was not so hot as to cause any suffering or inconvenience to them; that its temperature was, in the judgment of Dr. Wey, about 110°; and that the body showed no signs of life, from the time it was cut down to the time when all efforts at resuscitation were abandoned as hopeless. The question of cruelty in this case, therefore, resolves itself into an issue between expert inference on the one hand and clearly attested facts on the other hand; and your committee feel constrained to accept the facts as stated by Dr. Wey, rather than the inferences of the physicians who made the post-mortem.

#### JOHN REDDINGTON.

This prisoner appears to have been a man of violent temper and great obstinacy. He was never punished, except by having his wrists fastened together by handcuffs and put up to the door of his cell, or other mild forms of punishment. There is no evidence of his having been at any time treated with any marked severity, although he was addicted to acts of violence and insubordination. He committed suicide by hanging.

#### ALVAN TIBBETTS.

This man is still an inmate of the Reformatory, and is evidently sick and unable to work. He claims that his sickness, pulmonary disease, was caused by harsh and violent treatment received at the hands of Mr. Beach, now principal keeper, and by confinement in his cell for nine days thereafter without any bed. He charges that officer Beach knocked him down, kicked him, and jumped on his chest with both feet at once, severely injuring and bruising him in

a most brutal and unprovoked manner. He alleges that hemorrhage of the lungs was thus caused ; and that in consequence of such injuries, and of his nine days' confinement in a cold cell without any bed immediately thereafter, he has contracted the chronic and incurable pulmonary disease from which he is now suffering. He was also paddled on one occasion, and claims that the punishment was excessive. On the other hand, it is shown by the testimony of Mr. Beach, and some of the prisoners who witnessed the occurrence, that when Tibbetts was struck by officer Beach, he was violating the rules of the prison ; that he had a few moments before committed a violent assault on a fellow-prisoner ; that he was disorderly in refusing to take his proper place in the line ; and that he was reputed among the prisoners, as well as officers, to be a bad-tempered and dangerous man. It is also shown that the prison was, at the time he mentions, heated with steam ; and that he could, at any time, have been released from the solitary on promising obedience to the rules of the prison and performance of his work. As to the paddling, it seems to have been inflicted for sufficient reasons, and not to have been of unusual severity.

JOSEPH HILL.

In this case the injustice complained of consisted in the transfer of the prisoner from the Reformatory to the Auburn State Prison at a time when he was perfect in his conduct, in school and in labor ; and that the transfer was in violation of law. The testimony shows that, while his record was good up to within a few days before his transfer, he was then detected in an attempt to escape ; and that, in consequence of such attempt, he was treated as an incorrigible, and transferred to Auburn. The legality of the transfer has been tested by the prisoner, on a writ of habeas corpus, since he was sent to Auburn, and has been fully sustained.

WILLIAM MINCH.

It appears that this man was an inmate of the Reformatory for about fourteen months ; that he was at first employed in the brush shop, but subsequently, at the end of six months, was put in the garden, and being in bad health, was allowed to do very much as he pleased in reference to work. He remained in the garden till about the first of November, 1879, and was then released. He lived only a week after his release. The evidence shows that he was in good health when sent to the Reformatory, but began to fail while in the brush shop, but it does not appear what was the cause of his failing health. It is claimed by his friends that he was not strong enough for his work, and that it was overwork or excessive tasks that caused his sickness. It is possible that he may have been kept too long in the brush shop after his health began to fail ; but there is no evidence that the work of the brush shop was too severe for a young man of his years and strength ; and least of all is there any evidence of any cruelty, intentional or otherwise, practiced toward him.

Other cases of alleged cruelty, or severity of treatment might be particularized, were it necessary, but with similar results; and we deem it sufficient to say, generally, that we find no sufficient evidence of any intentional cruelties practiced toward the prisoners under the present management of the Reformatory. On the contrary, we find that the management is characterized by a humane spirit, and by earnest efforts to render the institution what its name implies, a place for carrying out the generous purpose of the State in founding it, viz., the reformation of the younger class of offenders. At the same time we deem it not improbable that in some instances the punishments inflicted may have been more protracted and severe than the interests of good prison discipline required. As to the success of these efforts and the realization of the purposes of the State in the founding of this institution, it would be premature to express any opinion at this stage of the experiment. The Reformatory has been in operation only six years; and a large portion of this period must necessarily have been spent in preliminary or tentative work, and in training men for their duties as officers and assistants in the management of the prison. That good results have been accomplished no one will deny; only 15 per cent of the prisoners being in the third grade; but the most ardent friends of the Reformatory would be unwilling to have its possible and attainable usefulness measured by the results thus far achieved. If the principles on which the institution is founded and the methods on which it is conducted are wise and just, the people of the State are entitled to require of it the most abundant and substantial proofs of its usefulness in the reformation of criminals.

But while we fully acquit the officers of the Reformatory of the charge of cruelty in the treatment of prisoners, we deem it our duty to make some suggestions in reference to the management of the institution, with a view to its increased efficiency in its special work.

#### THE CONTRACT SYSTEM.

Prominent among the subjects collateral to this investigation, which your committee have deemed it proper to consider, is the question of letting out the labor of the prisoners under contract of the State with private parties. The statute under which the Reformatory was established, provided, that "*the contract, system of labor shall not exist in any form whatever in said Reformatory, but the prisoners shall be employed by the State.*" The projectors of the institution evidently believed that the contract system was antagonistic to its spirit and purpose as a prison for the reformation of offenders. In this judgment we fully concur. Whatever may be the merits or demerits of the system in connection with our State prisons generally, we believe it ought not to exist in any mode whatever in the State Reformatory; and among the grounds on which we base our judgment are the following:

1. The contract system introduces into the management of the prison the factor of private pecuniary interest. The State enters

into a contract with private parties to furnish them with a specified number of laborers at a fixed price per day for each laborer. The contract is likely to be, and in fact is, one requiring, in order to its financial success, the employment of a large number of men, and at the ruder, heavier, less intelligent, and less desirable forms and kinds of mechanical labor. The prisoners have been employed in the manufacture of shoes of the coarser grade, brushes, stoves and various other forms of hollow-ware. These contracts must be strictly carried out. The pecuniary interest of the contractor must be a controlling consideration in connection with the discipline and treatment of the prisoners. No legal skill or adroitness can so frame the contract as to exclude from it the element of private interest, and include in it a paramount regard for the well-being and reformation of the prisoners; and if a contract could be so framed, no sane business man would take it. No contractor, not even the very intelligent and estimable gentlemen who have contracts with the State for prison labor at Sing Sing and Elmira, some of whom appeared before us and testified concerning the operation of the contract system, would enter into a contract with the State for the labor of prisoners, upon any other basis than that of their own financial advantage.

2. Under the contract system the prisoners are brought under a divided control — the control of the State on the one hand and that of the contractors on the other hand; and these will not always agree. The control of the State is, in theory, paternal and reformatory; that of the contractors is, in theory and in fact, purely legal, and looks alone to their business success. Such a conflict of interest and purpose cannot be otherwise than prejudicial to the discipline of the prison, and to the reformation of the prisoners. The interest of the contractor and the terms of his contract may require that certain prisoners shall be employed at a particular kind of work as long as practicable, while the interest of the prisoner and the proper conditions of his reformation and transformation into an industrious and worthy citizen, may require that he should be put at a different kind of labor, or, even, that he should be discharged from his imprisonment altogether, or upon his parole. The interest of the contractor requires that his agents and subordinates in the prison should be selected with reference to their fitness and skill in supervising and directing the particular kind of work to be done under the contract, while the interest of the prisoners and the reformatory ends sought by the State require that the men who are put in immediate supervision of the prisoners should possess other and higher than mere mechanical and business qualifications.

3. A proper classification of the prisoners as to their moral and intellectual status, and as to their fitness for particular kinds of labor, cannot be made under the contract system. The contract calls for several hundred men to be employed, for instance, in the manufacture of hollow-ware. Among the hundreds so employed there must be a large percentage of men whose love of honest remunerative



labor will never be stimulated or strengthened by such employment. They will feel their work to be onerous and degrading, and will never voluntarily engage in it after their discharge. If put at employment suited to their capacity and peculiar adaptations, and, so far as practicable, to their taste and preference, their self-respect might be restored, their love of honest work encouraged, and their purposes of reformation confirmed. Instead of smarting continually under a sense of injustice and spurning all inducements to the amendment of their lives, as is now too often the case, they would be made to feel that the State cherishes a genuine kindly interest in their welfare; and unless they can be made to feel that the State whose laws they have violated is benign and magnanimous, as well as great and powerful, to punish, no genuine desire and purpose to lead a better life can be awakened in them. Mere power cannot subdue and reform the human will; and an exhibition of mere vindictiveness only begets the like spirit in its victims.

4. In order to secure the best reformatory results in prison management, it is important that the State should maintain its proper immediate relations with the criminals therein confined. The prisoners should be led to see and feel that they are in direct contact with the sovereign power which they have disobeyed. This may humble, but cannot degrade them. They will respect the majesty of the law. They cannot despise, though they may defy it. But the contract system introduces an intermediary power, and that a purely self-interested or mercenary one between the prisoner and the State. The labor of the prisoner is let or sold by the State, with a view to the largest pecuniary profit to the State. The prisoner thus finds himself in the situation of a hireling, not to say a slave, to serve mere mercenary ends; first, the pecuniary advantage of the State; and second, the pecuniary interest of the contractor; and the reformatory design of the prison becomes necessarily a subordinate and scarcely appreciable factor in the management.

5. The inevitable result of the contract system must be, and is, to prevent the introduction into prison management of those reformatory methods and influences which are required in order to carry out the design of this institution. Mere labor is not, in itself and irrespective of other agencies, reformatory in its nature. Nor is it rendered so by making it remunerative, especially if the remuneration is to some one other than the laborer. And yet the great State of New York, after proposing to itself the grand moral and benevolent purpose of reforming the younger class of its criminals, and establishing a magnificent prison upon this reformatory basis, and after timidly experimenting for the short period of five years on the plan of employing the prisoners on its own account, suddenly, and apparently from mere pecuniary considerations, reverses its policy, abandons its great humanitarian purpose, and by the act of 1881, and against the earnest protest of the superintendent and managers, adopts the contract system as a part of its reformatory scheme, and resolves to transform this great charity into a money-making institu-

tion. It may be claimed that the State was wrong in founding this prison for reformatory purposes ; but if, as we believe, the State was right in its original purpose, then, in our judgment, that purpose should be consistently carried out, with all the energy and resources which the State is accustomed to bring to the execution of its will. The question of pecuniary profit or loss in the management of this prison should be in all cases treated as a matter of secondary consideration, and subservient to the one controlling end of reforming the prisoners therein confined. And we are gratified to find that some of the best authorities on prison management in this country have given expression to similar views.

Mr. Gaylord B. Hubbell, a prison officer of wide experience and the highest character, says that in his opinion the contract system tends to diminish the revenues of our prisons, has a demoralizing effect upon their discipline, and operates as an obstruction to the reformation of the prisoners.

Mr. Ross, formerly Warden of Auburn prison, and a prison contractor of large experience, says that a large proportion of the punishments are due to the contract system, and that it is a hindrance to the reformation of the prisoners.

Mr. Levi S. Fulton, superintendent of the Western House of Refuge at Rochester, says that the contract system, as it exists in most of our penal institutions, is injurious to their discipline.

Dr. Brooks, of the New York Juvenile Asylum, an eminent authority on prison management, considers the contract system the greatest hindrance to the reformation of the boys that could be devised ; and believes that the failure of some of our reformatories is due to this system.

#### THE SYSTEM OF MERITS AND DEMERITS.

One of the leading features of the reformatory system, as it is conducted in the Reformatory, is the registry of merits and demerits. Prisoners are committed, not for a definite period, but under a general or indefinite sentence, which may terminate at the end of eighteen months, or which may continue for the maximum period for which they might have been sentenced to any State prison. Under the marking system adopted, prisoners are credited three each month for good conduct, three for approved proficiency in school, and three for satisfactory performance of labor. They are likewise debited with deficiencies in conduct, school and labor. Any prisoner gaining twelve successive nines, *i. e.*, three for conduct, three for school and three for labor for twelve successive months, may, in the discretion of the managers, be released on his parole, and engage in employment outside of and away from the Reformatory ; and at the end of one year and a half from the time of his commitment may, if his conduct is in all respects satisfactory, be discharged absolutely. The prisoners are classified into three grades, and all prisoners at

their entrance are placed in the second or intermediate grade. If they then fall below the standard requirements for conduct, school and labor, they are reduced to the third grade. If they attain to that standard, and gain six successive nines, they are promoted to the first grade. They are liable at any time to be reduced or promoted, within the limits of the three grades, according to their demerits or merits. It is easy to see that this system of marking and grading might be so administered as to become, in the highest degree, oppressive and exasperating to the prisoners. Under severe and exacting officers, who should require all prisoners to conform in all respects to the same inflexible standard of conduct, school and labor, regardless of the constitutional differences or acquired capacities of the prisoners, the system would become a terrible machinery of oppression and injustice, fruitful in the more refined, but none the less inhuman forms of cruelty. Nor would it require any infusion of malice, prejudice, mercenary interest, or other evil purpose into the management, to produce this result.

The simple ignorance, inadvertence, or incapacity of the officers charged with the administration of the system, would, with equal certainty, lead to this species of cruelty, and the effect would be to excite a spirit of discontent, a rankling sense of injustice, and a spirit of insubordination or sullen resistance to authority. Under such a system so administered, it would be vain to look for the reformation of offenders. At the same time it is but just to say that, under the wisest possible administration of the system, there will be found among the prisoners some who will complain of the manner in which they are marked and graded.

Our investigations have led us to the conclusion that, under the present management of the Reformatory, the system of marking and grading has been, in the main, judiciously and successfully administered. The marking system is not rigidly adhered to, but is made sufficiently flexible to meet the demands of each particular case. Some of the prisoners have complained of injustice suffered under it, but the evidence fails to sustain the complaints. It is right to presume, however, that occasional instances of unjust or erroneous marking and grading, such as must be incident to all human institutions, may have occurred. In order to avoid, so far as possible, all mistakes and abuses of this description, we deem it important that the superintendent should be supported by competent assistants. He cannot well have such personal knowledge of each prisoner, and of all the facts and peculiarities of each case as will enable him properly to award merit and demerit, and grade the prisoners as justice requires. He should have the assistance of a resident physician, chaplain, school teacher, and inspector of labor. Their observation and study of the character and wants, capacities and deficiencies of the prisoners, would enable them to assist the superintendent in making a proper disposition of each case and correct errors into which the ablest and wisest executive officer of such an



institution, trusting solely to his own personal observation and knowledge of more than five hundred prisoners, must sometimes fall.

### ARE THE PRISONERS OVERWORKED?

It is conclusively shown by the testimony that the labor tasks required of the prisoners are about one-quarter less in amount than the labor performed by men of equal physical strength and capacity, during the same number of hours, in outside establishments. This would seem to be demonstrative evidence that the prisoners are not overworked. It should be remembered, however, that a task which may seem light and easy to the citizen laborer outside, who works under the stimulus of hope and the love of gain, or whose love of home and wife and children, cheers the toil necessary for their support, may seem heavy, difficult and irksome to the prisoner who labors without hope of pecuniary gain merely to expiate an offense against the State. It frequently happens, too, that the prisoner is a man or youth who has never been accustomed to labor and whose will-power and moral fibre have never been disciplined and toughened by honest and well-directed industry. Such persons will, at first, find their tasks difficult, but the State cannot, for that reason, exempt them from labor or assign to them only such tasks as are fit for children.

### IMPROPER COMMITTALS TO THE REFORMATORY.

It appears from the testimony that at different times persons have been committed to the Reformatory who, under the law, should have been sent to one of the State prisons, and that such persons have been retained at the Reformatory instead of being transferred to a State prison. It is claimed by some that this is a serious abuse and that great injury and injustice are thus done to the class of criminals for whom the Reformatory was specially designed. It is asserted that, in such cases, so soon as it becomes known to the managers of the Reformatory that a person is improperly committed to the Reformatory by reason of his being either over the age of thirty years, or by reason of his having been previously convicted of a felony, it is their duty at once to transfer such prisoner to a State prison. We deem it proper to observe, however, that it is quite possible that some of the persons thus improperly sentenced to the Reformatory may, in reality, be quite as fit subjects for reformatory treatment as the class of persons for whom the institution was established; and if, upon due inquiry and examination the managers shall be satisfied that such persons thus improperly committed are proper subjects for reformatory treatment, notwithstanding they may be over thirty years of age, and may have been previously convicted of a felony, there would seem to be no valid reason for remitting

them to the sterner regime of a State prison unless the law peremptorily requires it. The law bearing upon the question is as follows:

"The said board of managers shall receive and take into said Reformatory all male criminals between the ages of sixteen and thirty, and not known to have been previously sentenced to a State prison in this or any other State or country, who shall be legally sentenced to said Reformatory on conviction of any criminal offense in any court having jurisdiction thereof, and any such court may, in its discretion, sentence to said Reformatory any such male person convicted of a crime punishable by imprisonment in a State prison, between the ages of sixteen and thirty, as aforesaid." \* \* \* (Chap. 427, Laws 1870.)

"The board of managers shall have power to transfer, temporarily, with the written consent of the superintendent of prisons, to either of the State prisons, or, in case any prisoner shall become insane, to the convict asylum at Auburn, any prisoner who, subsequent to his committal, shall be shown to have been at the time of his conviction more than thirty years of age, or to have been previously convicted of crime, and may also so transfer any apparently incorrigible prisoner whose presence in the Reformatory appears to be seriously detrimental to the well being of the institution." \* \* \* (Chap. 173, Laws 1877.)

These are the only provisions of law relating to the subject; and these, it will be observed, are not mandatory but simply permissive, and vests the managers with discretionary power to transfer the class of prisoners in question to a State prison if they deem it proper to do so. The obligation to transfer, when it exists at all, is moral, and not legal. The managers may abuse the discretion with which they are clothed, or may fail to exercise it when they ought; but they violate no statute if they retain in the reformatory those who have been improperly committed as aforesaid. We have no evidence before us, however, to show that they have in any way abused, or failed to exercise wisely, the discretion in this regard which the law vests in them.

#### POWER OF TRANSFER.

In connection with this subject it has been suggested that the transfer of prisoners from the Reformatory to a State prison should be made compulsory in cases where it is ascertained that they have been improperly committed; and that the courts should be authorized to interfere to compel transfer in such cases, and to restrain or regulate this discretionary power of the managers when they fail to exercise it properly. On the other hand, it is urged that any interference, even by the courts, with the transfer of prisoners to State prison, or with the internal management of the Reformatory in any respect, would introduce an element of disturbance therein prejudicial to good discipline and to the best interests of the prisoners; and

we are of the opinion that the proper remedy for the injudicious exercise or non-exercise of this discretionary power of transfer is to be found, not in judicial supervision and process of the courts, but in the appointment of suitable persons as managers and superintendent of the institution, and in holding them to a strict accountability for the manner in which they discharge the high trust reposed in them. If these officers are competent for the duties of their office, they are more likely to exercise this discretion wisely than the courts, whose knowledge of each case would be made to depend upon affidavits, statements and arguments of counsel, made by or on behalf of prisoners.

### CORPORAL PUNISHMENT.

The infliction of corporal punishment in any form, is repugnant to the general sentiment of the community. The mind instinctively revolts at the recital of the details of this species of punishment, as it is now occasionally inflicted in the Reformatory and in our State prisons. We at once associate it with other rude and barbarous customs of ages long past. We have come to question, also, its reformatory or even disciplinary power; and were we to be governed by mere theoretical views upon this subject, we might strongly recommend the immediate and entire abolition of the practice. We are met, however, by the statements of men of large experience in prison management, and of undoubted kindly and humane temper, that corporal chastisement in some form is indispensable to the maintenance of proper discipline in our prisons. They insist that the mere fact of the existence of the power to inflict it has a restraining influence on the prisoners, and often renders its actual infliction unnecessary. It is also claimed, and we think justly, that if any form of corporal punishment is to be retained in our prisons, the punishment by paddling, or more properly by spanking, with a strap of sole leather, is the least objectionable and the most effective. It further appears that, although this means of discipline is retained in the Reformatory, there have been only ten cases of paddling or spanking during the five years last past; and we have discovered no instance of excessive severity in the infliction of this form of punishment.

The extent of it is always made to depend on the prisoner himself. Prompt submission will always secure a prompt cessation of the blows. Stubbornness will prolong the punishment. In no case, however, are more than about twenty blows inflicted. If the prisoner is then found incorrigible, he is remanded to the solitary and short rations until he submits to the requirements of the prison. We are not prepared, therefore, to recommend the abolition of corporal punishment, or to put our judgment in opposition to that of

men who have given many years of close observation and study to the solution of this question.

All of which is respectfully submitted.

Dated *May* 16, 1882.

JOHN O'BRIEN,  
JNO. McDONOUGH,  
E. R. KEYES,  
DANIEL M. KELLY,  
J. HIGGINS,  
JOHN RAINES,  
E. O. FARRAR,  
B. D. CLAPP,  
J. F. SHELDON,

*Committee on State Prisons.*





# STATE OF NEW YORK.

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No. 117.

## IN ASSEMBLY,

MAY 19, 1882.

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and the Clerk, with the consent of the House, referred the following bills to the sub-committee of the whole:

No. 783, G. O. 743 — Mr. Murphy:

An act providing for the better laying out and improving that portion of the city of New York lying between Center street at its junction with Chatham street, near to the entrance to the Brooklyn bridge on the south and Great Jones street on the north.

No. 784, G. O. 744 — Mr. Shanley:

An act in relation to cleaning the streets of the city of Brooklyn.

No. 786, G. O. 746 — Mr. E. C. Sheehy:

An act to repeal chapter 147 of the Laws of 1881, entitled "An act to secure the performance of proposals for work and supplies to be furnished to the mayor, aldermen and commonalty of the city of New York."

No. 788, G. O. 765 — Mr. Robb:

An act to further amend chapter 365 of the Laws of 1871, entitled "An act to incorporate the New York Cotton Exchange, as amended by chapter 228 of the Laws of 1880, entitled 'An act to amend chapter 365 of the Laws of 1871, entitled An act to incorporate the New York Cotton Exchange.'"

No. 789, G. O. 766. — Mr. Ross:

An act to authorize and require the Comptroller of the State to settle with the treasurer of the county of Herkimer, in relation to certain non-resident taxes.

No. 790, G. O. 771 — Mr. Kelly:

An act to amend chapter 415 of the Laws of 1876, being an act  
[Assem. Doc. No. 117.]

entitled "An act supplementary to chapter 737, Laws of 1873, entitled 'An act in relation to the creation of water-works companies in towns and villages of the State of New York.'"

No. 791, G. O. 772 — Mr. Hannan :

An act further to amend chapter 863 of the Laws of 1873, entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof."

No. 792, G. O. 779 — Mr. Sweet:

An act to amend chapter 683 of the Laws of 1871, entitled "An act amending, revising and consolidating the several acts in relation to the village of Greenbush."

Senate Bill No. 229, G. O. 818 — Senator Holmes:

An act to amend section 3 of chapter 514 of the Laws of 1875, entitled "An act to provide for the election of police justices in villages."

Senate Bill No. 179, G. O. 821 — Senator Holmes:

An act to authorize the commissioners of highways of the town of Richfield, in the county of Otsego, to levy and assess upon the taxable property in said town the sum of \$250 for highway purposes.



# STATE OF NEW YORK.

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No 118.

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## IN ASSEMBLY,

MAY 20, 1882.

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### LIST OF GENERAL ORDERS.

G. O.

- 782. An act to incorporate the Tonawanda Gas-light Companies.
- 783. An act to amend section 10 of chapter 40 of the Laws of 1848, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes."
- 784. An act to amend chapter 397 of the Laws of 1879, entitled "An act to provide for the laying of telegraph wires under ground, as amended by chapter 483 of the Laws of 1881."
- 785. (Senate, No. 143.) An act to amend chapter 496 of the Laws of 1881, entitled "An act to amend chapter 428 of the Laws of 1877, entitled 'An act for the protection of children, and to punish certain wrongs to children, and to repeal chapter 48 of the Laws of 1859.'"
- 786. An act to amend the Code of Criminal Procedure of the State of New York.
- 787. An act to authorize and empower the State Board of Audit to rehear, audit and determine the claim of James McLean for damages for the appropriation and conversion to the use of the State of stone and gravel belonging to him, and to make an award therefor.
- 788. (Senate.) An act to amend section 2747 of the Code of Civil Procedure.
- 789. (Senate, No. 286.) An act to amend the Code of Civil Procedure.
- 790. An act to change the name of the ministers, elders and deacons of the Reformed Low Dutch church of Taghkanick, in the town of Granger, in the county of Columbia, State of New York.

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791. An act in relation to the examination and admission to the bar of law students in certain cases.
792. An act to annex to the city of Brooklyn the town of New Lots, and to provide for its government and control in said city.
793. An act to amend chapter 99 of the Laws of 1879, entitled "An act to reorganize the fire department, and to create a board of fire commissioners for the government of the same, for the city of Cohoes."
794. An act to except and exempt the city of Cohoes from the operations of chapter 431 of the Laws of 1881, entitled "An act to amend chapter 324 of the Laws of 1850," entitled "An act for the preservation of the public health and the acts amendatory thereof, passed May 28, 1881."
795. An act to amend chapter 484 of the Laws of 1879, entitled "An act for the relief of Warren S. Silcocks, Joshua S. Cooley, and Thomas Kirkpatrick."
796. An act to provide a salary for the aldermen of Long Island City.
797. An act for the protection of working people and employees in the workshops and factories in the cities of the State.
798. An act to further provide against loss of life by fire.
799. An act to provide for the building of school-houses, station-house and engine-house in Long Island City.
800. An act to authorize the construction of a viaduct on Hawk street in the city of Albany from Elk street to Clinton avenue.
801. An act to amend an act entitled "An act to provide for a supply of water in the village of Cohoes passed April 12, 1856, and the acts amendatory of the same."
802. An act requiring and providing for the payment to the city of New York of a percentage on the gross receipts of the several horse-surface railroad companies in said city in lieu of certain taxes and percentage upon receipts and license fees now authorized by law.
803. (Senate.) An act in relation to taxes in Long Island City, and to confirm levy and collect the same.
804. (Senate, No. 318.) An act to authorize the commissioners of the fire department of the city of New York to inquire into and determine the claim of William H. Wilson to be placed on the pension-roll of the fire department of said city.
805. (Senate, No. 273.) An act to amend chapter 468 of the Laws of 1872, entitled "An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson."

G. O.

806. An act to provide for abolishing a nuisance in the Erie canal, in the village of Fairport, Monroe county.
807. An act making an appropriation toward the expenses of a centennial celebration at and in the vicinity of the headquarters of Washington at Newburgh, in the year 1883, of the disbandment of the Army of the Revolution and the declaration of peace and other Revolutionary events, and for the erection of certain monumental structures.
808. An act for the appointment of commissioners to select and locate lands for public parks and a parade ground in the 23d and 24th wards of the city of New York and in the vicinity thereof.
809. An act to define the duties of the New Capitol Commissioners under a contract with Thomas Foley.
810. An act to amend chapter 593 of the Laws of 1880, entitled "An act to improve Jackson avenue in Long Island City."
811. An act in relation to sewers and drainage in the city of Brooklyn.
812. An act to settle arrearages of taxes and assessments and water rates in the city of Brooklyn.
813. An act to amend an act entitled "An act relative to certain assessments for sewers in the city of Brooklyn," passed May 26, 1881.
814. An act to amend chapter 863 of the Laws of 1873, entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof."
815. An act relative to the capital stock of life insurance companies.
816. An act to protecting the rights of pedestrians.
817. (Senate, No. 294.) An act to regulate and control the care and management of the town hall of the town of Oswegatchie, situate in the city of Ogdensburg, N. Y.
818. (Senate.) An act to amend section 3 of chapter 514 of the Laws of 1875, entitled "An act to provide for the election of police justices in villages."
819. An act entitled "An act requiring the overseers of highways to construct drains and ditches for the purpose of draining water from the highways of the State, and to condemn lands for that purpose."
820. An act to amend chapter 87 of the Laws of 1854, entitled "An act in relation to plankroads and turnpike roads."
821. (Senate.) An act to authorize the commissioners of highways of the town of Richfield, in the county of Otsego, to levy

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and assess upon the taxable property in said town the sum of two hundred and fifty dollars for highway purposes.

822. An act to amend an act entitled "An act to establish a State board of health, passed May 18, 1880."

823. An act for the protection of consumers of milk and to prevent deception in the sale of milk.

824. An act requiring the payment to the Firemen's Benevolent and Relief Association, of Elmira, of the tax imposed on foreign insurance companies by chapter 465 of the Laws of 1875 and the acts amendatory thereof.

825. (Senate, No. 248.) An act for the appointment of commissioners to inquire and report as to the condition of the Onondaga Indians, and to negotiate with them a treaty and report the same to the Legislature.

826. An act making an appropriation to continue the work on the New Capitol building, and to authorize the appointment by the governor of a commission who shall cause to be surveyed and examined the different parts of the New Capitol as to the safety and durability of the work.

827. An act to authorize the village and town of St. Johnsville to raise money to purchase a site and construct a public building.

# STATE OF NEW YORK.

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**No. 119.**

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## IN ASSEMBLY,

**MAY 23, 1882.**

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### LIST OF GENERAL ORDERS

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and the Clerk, with the consent of the House, referred the following bills to the sub-committee of the whole:

No. 775, G. O. 741 — Mr. E. C. Sheehy:

An act to amend chapter 450 of the Laws of 1881, entitled "An act to secure the registration of plumbers and the supervision of plumbing and drainage in the city of New York and Brooklyn."

No. 813, G. O. 795 — Mr. E. C. Sheehy:

An act to amend chapter 484 of the Laws of 1879, entitled "An act for the relief of Warren S. Sillcocks, Joshua S. Cooley and Thomas Kirkpatrick."

No. 814, G. O. 798 — Mr. E. C. Sheehy:

An act to further provide against loss of life by fire.

No. 821, G. O. 784 — Mr. Sprague:

An act to amend chapter 397 of the Laws of 1879, entitled "An act to provide for the laying of telegraph wires under ground," as amended by chapter 483 of the Laws of 1881.

No. 822, G. O. 786 — Mr. Parker:

An act to amend the "Code of Criminal Procedure of the State of New York."

No. 823, G. O. 787 — Mr. Northup:

An act to authorize and empower the State board of audit to rehear, audit and determine the claim of James McLean for damages for the appropriation and conversion to the use of the State of stone and gravel belonging to him, and to make an award therefor.

No. 825, G. O. 794 — Mr. McDonough:

An act to except and exempt the city of Cohoes from the operations of chapter 431 of the Laws of 1881, entitled "An act to amend chapter 324 of the Laws of 1850, entitled 'An act for the preservation of the public health, and the acts amendatory thereof,' " passed May 28, 1881.

Senate Bill No. 162, G. O. 769 — Senator H. C. Nelson:

An act relating to appeals to the court of appeals in causes arising in surrogates' courts.

Senate Bill No. 273, G. O. 805 — Senator H. A. Nelson:

An act to amend chapter 468 of the Laws of 1872, entitled "An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson."

# STATE OF NEW YORK.

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No 120.

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## IN ASSEMBLY,

MAY 23, 1882.

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### REPORT

#### OF THE COMMITTEE ON STATE PRISONS CONCERN- ING THE MANAGEMENT OF THE STATE PRISON AT SING SING.

*To the Assembly of the State of New York:*

By resolution of this House your committee were charged with the duty of investigating the charges made against the management of the State prison located at Sing Sing. These charges were, in substance, "that the prison was run in the interest of the contractors; that the moral welfare of the convicts is neglected; that many of them are compelled to work on Sundays; that certain notorious criminals are treated with distinguished consideration, while others in a sick and enfeebled condition are treated with great severity; and that other serious evils exist in connection with the management of said prison." These charges were made by Mr. Elihu R. Campbell, a discharged keeper of the prison, and by certain discharged prisoners, and were extensively published in the *New York Herald* and other leading papers. Most of the charges related, it is true, to prisoners long since deceased, and reflected rather upon the preceding than upon the present management of the prison. But the gravity of the charges, and the earnestness of those who made and circulated them, seemed to demand an investigation of them. We have, therefore, examined a large number of witnesses, including the warden, physician, principal keeper, and other officers of the prison, ex-keepers, contractors, prisoners and discharged prisoners, in relation to the charges in question, and have carefully considered the same. Our conclusions are embodied in the following propositions:

*First.* That the State is in good faith carrying out the terms of its contracts with the various private parties who have contracted

for the labor of the prisoners; and that to this extent the prison is run in the interest of contractors; but we find no evidence that the prison is conducted in the interest of the contractors any further than the terms of these contracts require. It may be questioned whether the labor of the prisoners ought to be farmed out under contract with private parties; but the State having adopted this policy and entered into such contracts, it is most unreasonable now to charge that the State, in carrying out these contracts, is running the prison in the interest of the contractors. The charge ought rather to be, that the State is running the prison on the contract system; and that this system is wrong. As to such a charge, we are not prepared to express any opinion. It does not fall within the scope of this investigation. But we deem it proper to say that, in our judgment, certain modifications of the contract system as it now exists are demanded, both in the interest of the prisoners and the interest of citizen labor.

The contracts now in force require the employment of large numbers of prisoners in some one form of mechanical labor. At Sing Sing about nine hundred men are employed on the stove contract, about three hundred on the shoe contract, and about one hundred and twenty-five on the laundry contract. At Elmira two hundred and twenty-five men are employed on the hollow ware contract. If one object to be attained in our State prisons is the education of prisoners in useful and remunerative kinds of labor, and the cultivation of a love of honest work, it would seem necessary that the adaptations and capabilities of the prisoner should, at least within a limited range, be consulted in assigning him to his particular employment. Of the nine hundred men engaged at Sing Sing on the stove contract, it is safe to assume that not ten per cent have any special fitness or adaptation to that kind of work, except perhaps the mere physical ability to perform it. The same is doubtless true of the labor required upon other contracts, and the necessary result is that prison labor instead of stimulating the love of honest work, and forming men to fixed habits of industry, creates in the prisoners a distaste for labor, and suggests and fosters the determination to renounce it so soon as they are restored to liberty, or to seek some other form of industry than that at which they have been employed in prison. We are of the opinion, therefore, that the best interests of the prisoners would be promoted, and, incidentally, the best interests of the State as well, by the introduction of a greater variety of industries into our prisons, and the assignment of men to their work with some reference to their fitness and capacity for it. They might thus acquire trades and mechanical knowledge that would be of service to them upon their discharge, and might fall into habits of industry, in which they would abide permanently of their own choice. If such a change cannot be made under the present contract system without prejudice to the interests of the contractors and pecuniary loss to the State, then it is for the State to decide whether to sacrifice the best interests of the prisoners, or to incur the risk of



having to expend a few thousands of dollars annually upon our State prisons over and above the receipts from convict labor. We do not hesitate to recommend the latter alternative. We believe that it is of the highest importance to the State that the inmates of our prisons should be, if possible, transformed into industrious mechanics, or labor-loving citizens, who, upon their restoration to liberty, will not only cease to be a charge upon the public, but will become producers of wealth and our helpers in bearing the burdens of the Commonwealth.

But the modification of our contract system which we suggest is also demanded by the rights of citizen labor. Were our convicted criminals, prior to their prison life, engaged in the kind of work assigned them in the prison, it could not be justly claimed that their labor in prison was in any proper sense competitive with citizen labor outside. But it is a well known fact that by far the larger portion of the inmates of our prisons belonged to the idle and non-producing class; and the complaint is that the State takes this class of persons, and instead of distributing them, as they would naturally be distributed outside of the prison walls, under the operation of social and economic laws, among numerous forms of industry, farms out large numbers to labor at some particular employment in which the products of their toil come in direct competition with the products of citizen industry. The State thus directly puts itself in competition with its own citizens. It increases the number of producers in certain kinds of business, not in obedience to the fixed laws of business, but in an arbitrary manner, forcing an increased supply without creating an increased demand for the products it throws upon the market. We are told, it is true, that the total product of convict labor in the country at large is only one-fifth of one per cent of the citizen labor of the country, and that this percentage is too small to be appreciable in our general system of industry. This may be true so far as the general system is concerned, and if there were nothing but the general system to be considered, if there were no parts to this system, this might be a sufficient answer to the complaint we are considering. But the complaint is, not that the prisoners are required to work and become producers, for no one desires them to be kept in idleness at the expense of the State. The complaint is that in certain branches of industry — certain parts of the general system — there is much more than one-fifth of one per cent of convict labor employed in competition with citizen labor. In one branch of the hat trade alone, it is ascertained that of the one thousand two hundred men employed upon it, one-third are convicts laboring within prison walls. The result is the serious embarrassment of this branch of the hat trade in this State. This may be an extreme case, but there are other trades or mechanical employment in which very much more than one-fifth of one per cent of the products are the fruit of convict labor. And it is in evidence that in one branch of manufacturing business, viz.: the manufacture of hollow ware, our prisons have monopolized it entirely and rendered

it impossible for citizens to carry it on, except at a pecuniary loss, in outside establishments. We cannot assent to the proposition that such a policy on the part of the State is justified on grounds of political economy, or on any just theory of prison management; and we would strongly recommend such a modification of the contract system of prison labor as will prevent the products of such labor from coming into so glaring and unequal a competition with any form of honest industry outside the prison walls. The desired result might be attained by limiting more narrowly the number of prisoners to be employed on any one contract, or in the production of any one kind of goods.

*Second.* That the moral welfare of the prisoners is not neglected, but receives such attention and care as the State has authorized and provided for in our State prisons. Whether the State has made proper and adequate provision for the moral welfare of the prisoners is a question which we do not feel called upon to decide in this investigation. The State, in common with all other civilized governments, builds and maintains its prisons as places of *punishment*. This is their primary design. They are not intended to be Sunday schools, nor churches, nor moral reform societies. They are for the restraint and punishment of criminals; and their moral régime is intended to be severe enough to deter men from again violating the law. In this connection we may also observe, that the charge of compelling the prisoners to work on Sunday is not sustained by the evidence in any manner prejudicial to the management. While there are in the prison, as well as in all large institutions even of a charitable or religious character, certain kinds of work which must be performed on Sunday, and which, in the prison, are very properly required to be done by the prisoners; and while it is true that repairs to machinery and other similar work are sometimes made or performed on Sunday, as they would be in any large business establishment outside, in order to avoid delay of work and the enforced idleness of large numbers of workmen on the usual working days, we find no evidence that the prisoners are required to engage in their usual week-day work on Sunday.

*Third.* That the prisoners are treated, so far as we can ascertain, with impartiality, and with no greater degree of severity than the necessities of the case require. We deem it unnecessary to particularize upon this point. We have inquired into the several allegations of partiality and severity which were brought to our notice, and, upon the evidence presented, are satisfied that the allegations are not true.

*Fourth.* That there are certain minor evils existing in the prison, which call for a remedy, but for which the warden and his subordinates ought not to be held responsible. Among these we desire to instance the "doubling up" of prisoners or the putting of two men in one cell. It is true that this is often done at the request of prisoners themselves, from the desire for companionship, or it may be from vile and corrupt motives. But whatever may be the motive

of the prisoners in asking it, or of the authorities in allowing it, or resorting to it, the custom ought not, in our judgment, to be tolerated in any prison where the cells are so small and poorly ventilated as at Sing Sing. For sanitary reasons, if for no other, no more than one prisoner should be placed in a cell. Were the cells made double their present size, or even larger, and suitably ventilated, we are not prepared to say that it would be improper, with proper discrimination, and with proper restrictions and safeguards, to place two prisoners in a cell. But with the narrow cells now in use, and especially while there are, as we are advised, several hundred vacant cells in the prison at Auburn, we deem the "doubling up" system most unjustifiable and indefensible. We bring no charge, however, on this ground against the officers of the Sing Sing prison. Being compelled to keep nearly sixteen hundred men in a prison containing only about twelve hundred available cells, it is a mathematical necessity that eight hundred of them must be living two in a cell; and it is for the people of the State, speaking through their representatives in this Legislature, to say whether they wish this state of things to continue.

We wish, also, to call attention to the evils arising from the want of a proper classification of the prisoners with reference to their moral status or grade of crime. Among 1,600 prisoners, there must be many grades of criminality. Some have committed their first offense, and committed it, perhaps, under circumstances of great provocation, from some sudden impulse, which is far from indicating the habitual tendencies and controlling forces of their lives. At heart, they are not criminals; and could they escape the punishment which the law imposes, would never again incur its condemnation. This is especially true of many of the younger prisoners. Such prisoners ought, in our judgment, to be put in a class by themselves. They should occupy a separate portion of the prison and be employed in shops separate from the more desperate and hardened class of offenders. To place them in cells side by side with the latter, or in the ranks, or at the table, or in the shop, is to organize the prison into a university for instruction in crime; and many who entered the prison comparatively inexperienced in the tortuous ways of the transgressor and sincerely abhorring the crimes for which they are imprisoned, will leave the prison fully instructed in the tricks and devices of the criminal classes and with a desire to experiment upon the lessons they have learned. It may be objected that such a classification of the prisoners would be impracticable in connection with the contract system now in force, which requires the assignment of large numbers of men to serve one branch of industry without reference to their moral character. If this be so, it but emphasizes the necessity already shown to exist, of a modification of this system so as not to require the employment of so large a number of men at any one kind of labor. Let the prisoners be distributed among a greater variety of industries, according to their fitness and adapta-

tions so far as practicable; and not only would the rights of citizen labor outside the prison be protected against unjust competition on the part of the State, but opportunity would be given for such a classification of the prisoners, as to their moral status, as would render it impossible for the more experienced and hardened offenders to become the instructors and corrupters of their less guilty associates.

All of which is respectfully submitted.

Dated *May* 18, 1882.

JOHN O'BRIEN,  
JNO. McDONOUGH,  
E. R. KEYES,  
JEREMIAH HIGGINS,  
DANIEL M. KELLY,  
J. RAINES.

STATE OF NEW YORK,  
ASSEMBLY CHAMBER, ALBANY, *May* 22, 1882. }

We concur in the report of the committee of investigation to which was referred the resolution concerning certain charges against the management of Sing Sing prison, except to that portion of the report relating to the subject of contracting the labor of the convicts in the prisons of the State.

Believing that the scope of the resolution does not call upon the committee to pass upon that subject, we respectfully dissent to that portion of the report.

B. D. CLAPP,  
E. O. FARRAR,  
J. F. SHELDON.





# STATE OF NEW YORK.

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No. 121.

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## IN ASSEMBLY,

MAY 23, 1882.

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### REPORT

OF THE INSURANCE COMMITTEE OF THE ASSEMBLY  
IN RELATION TO THE MANAGEMENT, BY RECEIVERS,  
OF INSOLVENT INSURANCE COMPANIES.

*To the Assembly :*

The undersigned, your special committee, heretofore duly appointed to examine certain life insurance receiverships, under and pursuant to the authority conferred by certain resolutions, adopted March 8, 1882, of which the following are copies :

WHEREAS, This House did heretofore authorize and instruct the Insurance Committee of the House to investigate the affairs relating to the management, by receivers, of certain insolvent insurance companies, to-wit.: The Continental, North America, Guardian, Security, Atlantic Mutual, Globe, Eclectic, Widows and Orphans, Reserve Mutual, and New York State, as to the expenses made and the time used by said receivers in transacting the business of said companies, and did in and by said resolutions, confer full power upon said insurance committee to send for persons and papers, and to do such other acts as may be found necessary to carry out the intention of said resolutions ; and did further authorize said committee to employ a stenographer, and to sit in the city of New York ; and

WHEREAS, By certain other resolutions heretofore passed by this House, the said insurance committee was discharged from further consideration of said matter of inquiry, and it was referred to a special committee of five, to be appointed by the Chair ; and

WHEREAS, Said special committee of five has been duly appointed ; and

WHEREAS, It may be technically questionable whether sufficiently full and explicit power has been conferred upon said committee of five by the said several resolutions ;

*Now, therefore, be it resolved,* That it was the intention and purpose of this House, in and by said resolutions, to confer upon said special committee each and all of said several powers hereinbefore enumerated, and this House hereby does confer upon said special committee of five all the powers recited, and authorizes said committee to do each and all of the acts authorized in and by said several resolutions, and especially empowers said committee to send for persons and papers, and to do other acts which, in their judgment, are necessary to carry out the intention expressed in the said several resolutions.

Respectfully submit the following:



## REPORT.

Insurance, in its most general signification, is a contract whereby one, for a consideration, undertakes to compensate another for such loss as he may suffer from a specified cause. Life insurance, being something more than a mere agreement of indemnity, is most acceptably defined to be a contract wherein one party agrees to pay a fixed sum of money upon the happening of a particular event, contingent upon the duration of human life, in consideration of the immediate payment of a smaller sum or certain equivalent periodical payments by another.

But although the contract of life insurance be not a contract of indemnity, in strict legal parlance, yet the principle underlying this, as well as all other forms of insurance, is that of mutual indemnity against the consequences of common peril and is not that of mercantile profit. "It is, in fact, in a limited sense and a practicable method, the agreement of a community to consider the goods of its individual members as common. It is an agreement that those whose fortune it shall be to have more than average success shall resign the overplus in favor of those who have less; and although it has yet been applied only to the reparation of the evils arising from storm, fire, premature death, disease and old age, yet there is no placing a limit to the extensions which its application might receive if the public were fully aware of its principles and the safety with which they might be put in practice." By widening and diversifying the application of this principle of voluntary co-operation, the community may find its best protection against that spurious socialism which seeks, by specific enactments of law, to adjust inequalities between individuals and classes.

Originating in the necessities of commerce, and attending upon all its growth and all its multiplicity of relations, this principle, in its application tends to free competition from its harsher features and to protect highly organized societies against the stress of financial vicissitudes and the severer hardships of natural catastrophes. Its essence is the spirit of true democracy, and in its development it lends stability to those institutions of the Republic which are based upon equality of right and community of interest.

It is not surprising that our citizens have given the business of life insurance an enormous development. At present, six companies doing business within our State, have each outstanding a greater number of policies than the forty-three thousand which were in existence in the whole United States in 1858. Three of these companies are of our own creation, the largest of them hav-

ing in force nearly one hundred thousand policies. The corporations organized under our own laws have outstanding one quarter of a million of policies, amounting to over eight hundred millions of dollars, while the amount of existing policies of all companies doing business within the State more than equals our entire interest-bearing national debt. The highest authorities assert that since 1860, there has been paid to policy-holders by the life insurance companies of the Union not less than eight hundred millions of dollars, and that the funds now held in trust for policy-holders by the life insurance companies of the United States exceed five hundred and fifty millions of dollars. The statement of these facts carries a force which need not be corroborated by rhetoric or argument.

The history of life insurance illustrates a truth of general application, namely, that when an elementary principle of human action is disregarded, or when a false principle is invoked as a basis of human conduct, success is impossible of attainment.

Whenever the contract of life insurance has been treated merely as a subject of speculation or of covert gambling, mischief and ruin have resulted alike to the promoters and the participants in the scheme.

Bearing this in mind, and remembering further that the great bulk of life insurance business within our State has been conducted by corporations—some of our own creation, others acting here by comity; it is not difficult to suggest rules that should have controlled legislative, executive and judicial action with reference to these corporations, whether solvent or insolvent.

All action on the part of the State should have been directed toward holding this rapidly growing business strictly within the lines of its legitimate character and purpose, and toward imposing upon corporate managers restrictions necessary in all cases where a few handle the money of many others.

The great body of policy-holders, scattered and unorganized, severally possessing small interests, should have been protected by provisions making the contract simple and easily enforceable, exacting from the insurer the utmost prudence in investment, and commanding the accumulation and secure deposit of a reserve fund sufficient to meet extraordinary demands. Above all, integrity in the conduct of business should have been enjoined and made certain by compulsory simplicity and uniformity of method in book-keeping, and frequent and thorough official inspection, accompanied by immediate condemnation of all questionable or eccentric deviations from ordinary life insurance, and absolute prohibition of unnecessary and perplexing methods of dealing with policy-holders.

Only thus would the State have fulfilled its duty toward solvent companies and their policy-holders.

Neither is it difficult to indicate the methods which managers should have pursued in order to build up stable organizations. Life insurance is singularly free from extraordinary risk; its liabilities

can be closely calculated, and in its normal operations it involves little or nothing that is precarious.

Obvious and simple as these suggestions may seem, the story of certain life insurance companies examined by this committee, shows that during the period preceding their insolvency, their management displayed almost every conceivable objectionable feature, and that in place of harmonious, coherent and progressive legislation, there came into being, multitudinous, contradictory, and bewildering laws in accomplishment of special aims, and of selfish, sometimes sinister purposes. The wave of financial profligacy which swept over the land during this period, dashed down the barriers of conservative and honest administration, and found outlet in gross abuses and disgraceful betrayal of sacred trusts. Yielding to the current of speculation enveloping them, officers and directors gave themselves up to every form of mismanagement and dishonesty.

Of the thirteen companies considered by this committee, only one—the Atlantic Mutual—can be seriously claimed to have been decently conducted during its declining years. The others afford a spectacular exhibition of varied phases of incompetent, unscrupulous, irresponsible and unchecked misconduct.

In place of the simple contract of life insurance, fantastic diversions in the nature of policies were introduced. A series of exciting and delusive “plans” culminated in the unique and startling adventure described as the “American Popular Plan.” With this latter “plan” the climax of semi-theatrical and grotesque effort was attained. So far had this curse been extended that during a brief and miserable existence one of these companies had issued not less than one hundred and thirty-five different forms of policy. At the same time ingenious and variegated methods of payment were resorted to, by premium notes, loans to policy-holders, and other devices calculated to fascinate the inexperienced and to confuse the company’s finances.

In the selection of investments and the disposition of the company’s funds, there prevailed practices similarly tainted with irregularity and fraudulent intent. The management of the Continental—the largest and most notorious of these organizations—had departed so far from all recognized business methods that its history reads like a tale of the imagination. When the first receiver was appointed, its leading officers fled from justice. During the ten years of its corporate existence no examination of the company was ever made by the Insurance Department nor was any examination attempted until after its business had ceased and its receiver had been appointed. One referee, Mr. William Allen Butler, who examined its affairs soon after the company’s dissolution, declared that the evidence disclosed a systematic course of flagrant and criminal abuse of trust on the part of its officers. Another referee, Mr. Henry J. Scudder, writing in 1881, spoke as follows:—

“It was one in a series of corporations largely devised and controlled by unscrupulous and speculative individuals. It stood in the line of fraud and deceit, yet its business was enormous. It succeeded

to some and preceded other adventures that seemed deliberately formed to defraud the unsuspecting. Of course the ingenuity of those concerned in the development of this dishonest adventure surrounded it with every entanglement that would impede research or foil investigation. It had accepted the obligations of other companies when they were insolvent or unsuccessful, and in so doing burdened itself with obligations and complicated agreements, and this when it was itself hopelessly insolvent. It had reinsured companies that had reinsured other companies that had reinsured still others, so that its undertakings ran back through and embraced three generations of these life insurance existences. \* \* \* The accounts of the company were filled with irregularities. It declared dividends when dividends had not been earned, and loaned moneys with no security or upon inadequate security. The complications springing from the contracts of re-insurance were surpassed by those arising from the treatment of the company's affairs and accounts by its officers and clerks." The evidence submitted herewith and presented in detail in another part of this report, and the facts set forth in the reports referred to, more than sustain the language of the referee.

The discrepancies between the amount of assets found by the receiver of the American Popular and the amount alleged in the company's report for the year preceding the receiver's appointment, can not be explained on an ordinary or creditable hypothesis.

Of the Universal, the North America and the companies associated with the latter, it may be said that swindler succeeded swindler, company swallowed company, until the last one, empty and denuded of all available assets, fell into the receiver's hands.

The Globe had been a factor in a grand real estate speculation.

Throughout, the Insurance Department seems to have been powerless or indifferent in asserting its authority or protecting the wronged policy-holders.

The management of the Atlantic Mutual, was declared by the court, to have been economical and honest; but under the operation of a law of strange harshness and of more than doubtful wisdom, a receiver was subsequently appointed.

Having thus reviewed the conditions preceding and giving rise to receivership management one can more clearly appreciate the nature of the task upon which the receivers entered. It was obviously no easy one. It was full of difficulty and beset with temptation. It remains to ascertain whether the difficulties were competently dealt with, whether the temptations were resisted.

Just here it should be remembered that a receiver, within his traditional limits, is not a powerful official; he is not even a free agent, except in a very restricted sense. He can do no act, involving expense to the estate except under direct authority of the court. He is a custodian whose every movement is dependent upon judicial sanction. It is true, that of late years, the demands of corporate interests and the progress and growth of equity jurisdiction have led to an extraordinary and unprecedented extension of the powers of a

certain class of receivers. Such receivers manage railroads and control other vast business enterprises, not for the purpose of winding up and distributing, but with a view to the ultimate reinstatement of the corporation in full possession of its powers. This novel and enlarged activity is still subject to the supervision of the court, but in its exercise the receiver, is of necessity, somewhat freer than formerly.

In magnitude the receiverships examined by this committee may well be compared to the class just spoken of. In character and purpose, however, a marked distinction exists.

Not one of them was so managed as to restore the company to a solvent state, nor does any such policy appear to have been attempted. Indeed, under the opinion of Judge Folger in the matter of the Atlantic Mutual, it would seem to be impracticable for a company, once discredited by a legally ascertained insolvency, to thereafter secure public confidence. Whatever extension of power came into the hands of these receivers, therefore, was to enable them to cope with the magnitude of their trusts. They were custodians whose duty it was to collect and to bring the money into court for distribution. Their conduct must be tested by the degree of care which they have shown in speedily collecting, conscientiously guarding, and equitably distributing the trust estate.

The jurisdiction exercised by the courts in appointing and supervising them was for the protection of creditors and stockholders. The primary object of the entire proceeding, of which the orders of the court formed a part, was not more to effect a dissolution of the charter of the failing corporation than to protect and preserve its assets for the benefit of creditors. In any consideration of the manner in which these receivers have discharged their duty and of the ability and conscientiousness manifested by the court in exercising its powers, these distinctions must be kept in mind. These receivers were of the class called passive. The object of their appointment and incumbency was not to continue or restore a business, but to protect and preserve a trust fund. The responsibility for such delays and expenditures as were due to causes which they did not originate and could not avoid, or to the acts of persons beyond their control, must be laid upon the courts, if anywhere.

Your committee proceeded at the earliest practicable day to discharge their duty. They have held sessions occupying the greater part of twenty-three days, and have examined over forty witnesses; the testimony taken covers 1,600 printed pages. Every receiver now living, whose management they were directed to investigate, has appeared before them and testified at length, as have also their counsel and their confidential clerks and deputies. More than an entire week was consumed in the investigation of the affairs of the Continental, all of the sessions after the first day having been held at the receiver's office, in order that no obstacle and no inconvenience should prevent or impair extreme thoroughness in research. The examination of the Globe was also conducted for several days at its receiver's office. In these, and in all other cases, every book,



document or paper, whether in the receiver's possession or upon the files of the courts, which seemed to be of any value or could throw any light upon the subject of the enquiry, has been duly inspected.

The thirteen companies submitted to us for examination, with the respective dates of their demise, are as follows:

The Eclectic, of which Philo T. Ruggles was appointed receiver on September 12, 1873, at the suit of a stockholder.

The Guardian, of which Henry R. Pierson was appointed receiver on March 8, 1877, in an action brought by the Attorney-General.

The National, which was closed in a suit brought by a stockholder in October, 1874, and in which James W. Husted was appointed referee on December 14, 1878.

The North America, in which Henry R. Pierson was appointed receiver in March, 1877, at the suit of the Attorney-General.

The Continental, of which John J. Anderson was appointed receiver on October 25, 1876, at the suit of a stockholder, and of which William R. Grace was appointed receiver in place of said Anderson in February 1877, to whom in turn the present receiver, John P. O'Neill succeeded, having been appointed on March 31, 1877, in an action brought by the Attorney-General.

The Security, of which William H. Wickham was appointed receiver on December 14, 1876, in an action brought at the instance of the Attorney-General.

The American Popular, which was notified by the Attorney-General to discontinue early in 1877, and of which E. Z. Laurence was appointed receiver June 18, 1877.

The Atlantic Mutual, which was also notified to discontinue early in 1877 and of which Edward Newcomb was appointed receiver, on August 6, 1877.

The Globe, of which James D. Fish was appointed receiver on the 17th day of June, 1879, the company having been previously reported to the Attorney-General under the provisions of the act of 1869.

The Universal, of which N. D. Wendell became receiver November 5, 1881.

The Widows and Orphans, the New York State Life, and the Reserve Mutual, were all placed in the hands of Henry R. Pierson, as receiver; they do not need to be specially mentioned or considered.

None of the receivers here mentioned have been discharged or have closed their trusts, save one; and of him it was testified that he became insane and died.

Let us now consider in their order the features of receivership management, which have given rise to popular complaint, and which have been brought prominently before the committee.

Against the receivers themselves, the charge of unreasonable and needless delay in the settlement of the company's affairs, is urged. This charge is, in part at least, well grounded; with the exception of one or two, none of the receivers have shown any earnest desire to complete their work and to be freed from it. It is true that many of the circumstances necessitating slow progress were beyond their control.

On behalf of the receiver of the Continental, for example, it is stated that the chaotic condition into which the company's affairs had been thrown before its insolvency, together with the vast number of unreasonable and untenable claims made against the fund, prevented immediate action and consumed much time. Furthermore, the principles upon which claims were to be decided were unsettled, and there had been practically no adjudications in this State prescribing the method to be followed in distributing the funds of an insolvent life insurance corporation, and declaring the rights and relations of the different classes of policy-holders and creditors.

These arguments, however, only affect the receiver's ability to pay out. In the committee's opinion, the assets of the companies could have been reduced to cash, invested in government bonds, and the running expenditures of the receiver's office largely cut down, if not almost entirely dispensed with, without waiting until September, 1879, or until October, 1880, for decisions of the court of appeals, determining how distribution should be made. Leaving out of consideration those receivers whose appointments do not date back more than two years, or whose companies are of absolute insignificance, it may safely be said that the others have willingly tolerated, if not connived at, the continuance of their lucrative office.

The second charge against receivers is the undue expense of their administration. It would be manifestly unfair to charge against a receiver all of the extraordinary disbursements connected with his office; it is necessary, therefore, to discriminate between those expenditures in which he is little more than the passive instrument, and those which may be justly said to depend upon his individual action. In this latter class, may be placed, first, whatever added burden falls upon the trust on account of the personal inattention of the receiver. Every receiver whose trust was of any considerable magnitude, and whose term of office has endured for more than two or three years, has devolved the main burden of his duties upon a deputy. These deputies are the real receivers, and it is from them that the committee have obtained nearly all of the satisfactory evidence that came to them from the receiver's office. They are not designated as deputy-receivers, no such office being known to the law. Mr. Tobias, the actual receiver of the Continental, is described as chief-clerk; as a matter of fact, he does no clerical work whatever. The committee do not complain that the duties which should be performed by Mr. O'Neill have fallen into the hands of Mr. Tobias, inasmuch as Mr. O'Neill is not competent to perform them, and Mr. Tobias is; but the system under which one man is employed to do work for which another receives the pay, is manifestly open to objection. In the Globe, the presence of Mr. Wendt, who is a faithful and competent official, enables Mr. Fish to be a passive receiver in the most comprehensive sense of the term. In the Security, the continued employment of Mr. Hurd, as a so-called actuary under the authority of the statute, is a subterfuge which relieves Mr. Wickham from the necessity of paying any especial attention to the duties of his receivership.

A second species of expense for which the receiver is to some extent individually responsible, consists of payments for commissions and for personal expenses. The commissions paid to most of these receivers are unreasonably large, especially when viewed in connection with the facts just recited. The amounts that each one has received will be set forth in the detailed presentation of the affairs of each company. These commissions are awarded under statutes; of course the statutory limit has not been literally exceeded; nor do the committee recall, on the other hand, any case in which the commission has been less than the maximum amount permitted by a reasonable interpretation of the statute. In the case of receiver Pierson, an attempt was made to secure commissions not only upon whatever moneys he had received and disbursed, but also upon the amount of premium notes and loans upon policies outstanding at the time of his appointment. This claim was unreasonable and disgraceful. These notes and loans were simply set-offs against the creditors of the company; and it was a strained, technical, and dishonest interpretation that could consider their amount as having been collected and disbursed. The committee are gratified to be able to record that both the special and general terms of the supreme court of the third department disallowed this claim and reduced the commission account of this receiver by twenty-five thousand dollars. Human nature, as ordinarily constituted, will endeavor to secure at least all that it is entitled to; consequently all receivers who have asked for commissions have asked for the full amount of five per cent. It is to be regretted that they have not oftener been met by an exercise of judicial authority similar to that just mentioned.

A third species of expense for which a large degree of responsibility attaches to the receiver individually is found in the item of salaries. This need not be considered at length; what has already been said in connection with the appointment of deputies, shows how this item is unduly swelled. It has also been augmented by the payment to actuaries of larger fees than the services warranted. It should in justice be added that the employment of an actuary is not entirely discretionary with the receiver; but, if he so desires, he can presumably avoid paying an unreasonably large salary for this class of work.

The next topic worthy of consideration concerns expenditures over which the receiver has exercised little, if any control, although it was plainly his duty to object to any unfair or excessive charge, and if necessary, to resist it in the courts. Prominent among such expenditures are the amounts paid to his counsel. These payments have in some instances been extraordinarily large. These amounts have all been paid upon orders of court, obtained usually upon the application of the counsel himself. It is in evidence that Mr. O'Neill, of the Continental, objected strenuously to the bill rendered against the fund by his counsel, and that in deference to his objection, ten thousand dollars has been withheld. Mr. O'Neill was



a practicing lawyer before becoming receiver, and his judgment of the propriety of these charges must be admitted to have some weight. The details elsewhere presented show that this company alone will pay to attorneys and counsel of all classes, over one hundred thousand dollars before the trust terminates.

The committee are of opinion that a considerable part of the work done by counsel and charged for as legal services might more properly have been attended to in the receiver's office, without increasing its running expenses. The reappearance of the same attorneys in connection with different companies is suggestive. It is in evidence that in at least one case, and that one of the most important, the receiver was advised by a judge what counsel to retain. No direct testimony of precisely this character is given in any other instance. It may, however, be reasonably inferred and deliberately stated that the counsel whose names occur so frequently as the representatives of receivers, and whose services are so munificently rewarded, owe their selection in part to judicial favor, inspired by political influence.

Another species of expense for which the receiver cannot primarily be held responsible consists of payments to referees. Multitudinous references are said to be an inseparable incident of receiverships, due to defective statutory regulation. In many cases it would have been perfectly practicable for the court to have determined the amount of compensation summarily, upon affidavits or depositions. If the claimant deemed himself aggrieved, he could still have been permitted to submit his claim to a jury, a tribunal which in these matters seems to have been sedulously avoided. Some of these referees have charged for their services on a basis that is recognized in ordinary practice; others have been decidedly exorbitant. Among the latter class, the charges of Mr. Winfield in connection with the protracted and preposterous Anderson reference hold a conspicuous place. But the exploits of all the referees who have performed work such as ordinarily devolves upon that class of officers are outdone by the remarkable persons who are known as "standing referees." A standing referee is an institution alleged to be essential, and in his performances, peculiar to insolvent corporations. Among all standing referees, those connected with life insurance companies seem to be most extraordinary. Such referees may properly enough be appointed to receive proof of claims against the corporation and report upon their validity. Their appointment cannot therefore be condemned as an abusive exercise of judicial discretion; but although the legality of the appointment must be conceded, there is no law making it compulsory that such a referee should be appointed from considerations of personal favoritism, or that the appointment should be treated as a piece of political patronage. Neither is it necessary that when appointed he should charge and receive exorbitant fees, or that he should discharge his duties with remote and lordly inattention. All these strictures are warranted by, and apply to, the appointment and official conduct of

Mr. William A. Boyd, the present standing referee of the "Continental."

Upon all the testimony, the committee is clearly of the conviction that for the four thousand dollars charged by this standing referee for thirteen months' services, he rendered no honest or satisfactory equivalent.

Payments to actuaries, or for actuarial work, are also of the class for which the receiver is not primarily responsible. An actuary, properly speaking, is that officer of an insurance company who calculates its risks and premiums. A company in the process of dissolution would seem not to need such services for any protracted period. At the time of appointing the receiver, the labor of such a computing officer is of value to the fund for the purpose of ascertaining its exact condition and prospects. Subsequent work of this kind has, in our opinion, often been largely artificial and forced. It is also a fact that an employe designated as an actuary has been retained by some of these receivers and has been paid actuarial compensation for ordinary clerical work. The grossest abuse, however, in the form of actuarial compensation, is found in certain orders of court granted in proceedings connected with the funds deposited in the insurance department. As the legitimate occupation of the receiver draws to a close, it becomes necessary to distribute the one hundred thousand dollars deposited by the company with the State department. Inasmuch as the method of distribution and the rights and relations of policy-holders and other creditors have already been ascertained by the labors of the receiver and his assistants, it is a formal and easy matter to determine the claims of each of these against this deposit. It has, however, been deemed necessary that the application and attendant proceeding should be made elaborate, protracted, and expensive. Instances of conspicuous success in this direction are shown in an order made in the Matter of the Security Life, wherein, among other items, five thousand dollars is allowed to Mr. Hurd, the actuary, for services in valuing policies pursuant to the appointment of the Superintendent of Insurance; and also in the order in the Matter of the American Popular, wherein forty-five hundred dollars is allowed to E. Z. Laurence, the actuary appointed by the Superintendent of Insurance for services performed in valuing policies and annuities.

The first of these actuaries, Mr. Hurd, was examined at length by the committee. He was unable to satisfactorily state any services warranting any such payment; he was forced to admit that he was actuary for the receiver upon a salary of five thousand dollars a year; that he received his five thousand dollar salary from the receiver for the year 1879; during part of which year he found time to perform the additional services recited in the order. It also appeared that the actuarial work done for the department was substantially a duplication of work already performed for the receiver, and was clerical in its character.

The other of these actuaries, Mr. Laurence, was also the receiver

of the company, for which in this instance he officiated as actuary. The best that can be said for these orders, is that the application in which they are made, is provided for by law. They will be referred to hereafter.

A further item of expense for which the receiver is not primarily responsible, consists of allowances to intervenors. It is well here to explain, that when a receiver is appointed at the suit of a stockholder, or in an action brought by the Attorney-General, all further orders and legal proceedings of every description are made and entitled in the action wherein the receiver was appointed. An intervenor is an attorney who, upon leave of court, is made a party to the record in order that he may appear for and represent policy-holders. It has been the practice for each intervenor to be served with all forms of process and to take part in all proceedings. As a general proposition, it may reasonably be admitted that it is right and proper for policy-holders to have counsel, if they so desire. Furthermore, it is an accepted and salutary legal principle that when one or more of several creditors or parties equally interested in a fund, sustain the burden of a litigation the benefits of which enure to all the parties interested, the burden which such parties sustain may equitably be distributed among and borne by all the parties to whom such benefits enure. Any payment, however, made by reason of the operation of this principle, should be preceded by indubitable proof that the fund has received a positive benefit.

As a special proposition it may be said that the intervenor is usually a self-seeking intruder. Intervenors have presented bills for their services, when the value of such services to the fund was an extremely open question. It has happened that some of these bills have been unique in character, and calculated to provoke indignant and derisive comment. It has also happened that the intervenors have been abnormally active and ubiquitous. They have, however, rendered decided service in a few instances. It was upon an application wherein a typical intervenor, Mr. Raphael J. Moses, was counsel, that William Allen Butler was appointed referee; this reference led to the removal of receiver Anderson from the Continental, and was otherwise of great value to the fund. Again, the decision of the general term of the supreme court, censuring receiver Pierson for his carelessness in handling the trust funds in his hands, reducing his commissions over \$25,000, and surcharging his account with interest at the rate of four per cent on his monthly balances, was the direct result of the labor of intervenors.

If his active participation in the proceedings had been restricted within narrower limits and his bills had been more rigidly scrutinized, the intervenor might have been a useful assistant. If, however, the Attorney-General and the Superintendent of Insurance had been duly mindful of the fact that the State stands in the relation of quasi-trustee or guardian of the interests of the policy-holders, the intervenor would have been absolutely unnecessary. In the com-

mittee's judgment, intervenors should not be paid from the fund while existing legal conditions continue.

A further item of expense for which the receiver cannot be held responsible, is found in connection with the management of the Attorney-General's department. It has been the practice of these officials to employ special counsel in these receivership proceedings. Large allowances have been paid from the funds of the insolvent corporations to lawyers thus employed. The entire illegality of this practice is established by a very recent decision of the court of appeals. The court says in substance that the payment of such special counsel by the Attorney-General is without authority, either under the provisions of any statute, or elsewhere. In its opinion, while construing one statute, the court says:—"It was not, we think, contemplated when the act of 1880 was passed, that the State should be indemnified out of the assets of an insolvent corporation for the services or expenses of its officers or agents rendered in carrying out the provisions of the act. The general policy of the State is to compensate its officers by fixed salaries.

\* \* \* \* \*

"The State intervenes as *parens patriae* for the protection of the fund and those beneficially interested. It is not consistent with its dignity, nor was it, we think, contemplated, that the value of the services of its agents in the execution of these voluntary trusts should be a charge upon the assets of an insolvent corporation.

\* \* \* \* \* To permit the State to participate in the division of the assets of insolvent corporations in the hands of a receiver under a claim for discretionary allowances or to charge the fund for services of special counsel of the State is, we think, contrary to the principles and to the policy of our legislation."

Upon the propriety of a practice whose legality is condemned by our highest court it is not necessary to comment.

In connection with the Attorney-General's department, it should be noted that orders appointing receivers ordinarily contain a provision that no application shall be made to any court by the receiver, nor shall action of the court be asked or suffered by the receiver, relative to, or in any manner connected with his duties, or with the funds or assets of the company, or their transfer, sale or delivery, except upon five days' notice to be first given to the Attorney-General. This provision places the proceeding in the power of the law department of the State, and if the authority of that department and the discretion of the courts are exercised with integrity and care, there will be no need of intervenors, or of mismanagement or waste.

Another source of expense for which the receiver cannot be held responsible, arises from practices that have prevailed in connection with the insurance department. The most flagrant abuse of this description has already been referred to in our comments upon the allowances made to actuaries. As those orders are to be again referred to, it is not necessary here to make extended comment.

In this review it has been evident that each individual or class whose conduct has been considered possessed but incomplete ability to do harm. A further consent and ever present element is noticeable. That element is the power of the court. The columns of a disciplined army, directed by consummate genius, do not more surely converge upon the enemy's weakest point than do these facts, when grouped, lead to the inevitable conclusion that the judicial discretion is the pivotal, efficient, vital factor in the whole united scheme.

We now approach, therefore, a question of grave and far-reaching importance. Among the scores and hundreds of orders of court made in the legal proceedings connected with the administration of these trusts, the vast majority were signed by one judge. In some proceedings it seemed to be a matter of course that he and he alone, should act; the blanks prepared by the counsel for Mr. O'Neill bore the name of this judge printed in its proper place, in anticipation of future needs. Especially was it true that orders directing money to be paid were signed by him to the almost entire exclusion of his associates. This fact in and of itself would reflect favorably upon his industry and upon his willingness to assume responsibility, and would warrant no discrediting imputation. Moreover the decisions pronounced by him during a long series of years are thickly scattered through the reports of our State, and form a valuable, elaborate and symmetrical body of law in a field which he entered as a pioneer. But the very expense and delay which are the most questionable incidents of receiverships, are inseparably connected with these orders. Many of the individual payments, as already indicated, seemed unnecessary, wasteful and reckless. None of them could ever have been made and no doubtful act or line of policy on the part of any receiver could have possessed any efficiency except for this judicial sanction. Neither is the committee's duty of such a character that they need attempt or feign to ignore the fact that the disclosures made before them called forth harsh comment and damaging accusations against the Hon. Theodoric R. Westbrook, justice of the supreme court.

It became therefore a matter to be determined whether this active and learned officer had, while exercising the discretion and powers of his elevated position, knowingly permitted, promoted or intensified these alleged abuses, or through indifference, negligence, partiality, favoritism or political intrigue had betrayed or failed to fitly guard these trusts.

The committee do not hesitate to say that this was by no means a pleasing or an attractive duty. They are not of the number who give hasty and ready credence to charges against those high in authority. They do not forget that the discontent of the unsuccessful, the resentments of individuals and the animosities of factions, must not be permitted to control or sway the conduct of such an enquiry as the present. Neither are they unmindful that the appearance of this judge before the committee as a witness might give rise



to the belief that his conduct was different from that of his associates. It was, however, thought best that he should be examined.

Judge Westbrook was, therefore, requested to appear before the committee. He did so. It is the duty of the committee to say that he came promptly at its first request, upon short notice, leaving important business and pressing engagements. He answered with courteous readiness—made many full and satisfactory explanations, and exhibited the demeanor of an honorable man, well content with his past and present performance of duty.

The extraordinary volume of orders which this judge had signed made it a physical impossibility to call his attention to all of them without unreasonably protracting our demands upon him, and without also resubmitting to him the papers upon which they were originally granted. It was therefore determined to limit the inquiry to orders appointing receivers, or directing payments of money, or appointing referees, or confirming reports of referees. Of the orders directing payment of money, only those disposing of considerable amounts seemed worthy of attention, and of these it was believed that the rules governing him in granting a few would disclose his methods in all cases. This line of inquiry seemed doubly commendable; for the circumstances and considerations surrounding and influencing him in appointing receivers would, it was believed, when viewed in connection with those attending upon his granting of orders directing payments, illustrate his principles of judicial action. A busy judge may at times innocently grant an improvident order. An honest judge may be imposed upon by attorneys who seem to deserve confidence. But a body of orders appointing receivers without due care for the welfare of the trust consigned to their keeping, supplemented by a corresponding body of orders wastefully and wrongfully granting large sums of money from those very trusts; could never emanate from a judge whose worst trait was excessive activity or amiable credulity.

The examination discloses, that of the receivers into whose administration this committee has enquired, Justice Westbrook appointed these: Mr. John P. O'Neill, receiver of the Continental; Mr. Edward Newcomb, receiver of the Atlantic Mutual; Mr. James D. Fish, receiver of the Globe; Mr. E. Z. Laurence, receiver of the American Popular; and Mr. N. D. Wendell, receiver of the Universal; as well as Mr. James W. Husted, referee in the National.

Mr. Wendell's term of office has been brief, and the committee know no facts justifying censure of the appointment or of the receiver's conduct. The term of office of Mr. Fish has also been brief, considering the longevity of receivers. Mr. Fish is capable, conscientious and trustworthy, but destitute of any such special knowledge or experience as would make him peculiarly fit for the position.

The remaining appointments, when considered in connection with all the testimony, including that of Judge Westbrook himself, can-

not be spoken of with approval. The qualifications which should have been insisted upon were thus stated by Judge Westbrook :

Q, "What, in your judgment, should be the qualifications of a receiver of an insolvent life insurance company?" A. "First, and above all, he ought to be an honest man ; second, he ought to be an intelligent man ; third, he ought to be an executive, pushing man ; and lastly, if possible, although that is not so important, he ought to have a general knowledge of insurance."

Q. "What degree of care and responsibility ought a judge to exercise and assume in the appointment of such a receiver?" A. "He ought to satisfy himself, so far as he could, that the man possessed the qualifications I have spoken of."

Q. "What is the legal and moral relation of a judge to the fund of a company?" A. "The legal relation of a judge to the fund, not the judge especially, but the court, is as the guardian of the fund as administered through the receiver."

Tried by his own tests, the manner in which these appointments were made must be condemned, and if a proper effort had been made in each case to ascertain that the appointee possessed due qualifications, these trusts would have been administered by other men; and, presumably, with better results.

In his answers as to the rules that governed him in signing orders directing the payment of large sums of money from these funds, of which he was the guardian, Justice Westbrook also failed to satisfy the committee. He gave substantially the same explanation as to each. Such explanation was, that although he might have refused to sign such orders, it would have been somewhat extraordinary to have done so, inasmuch as the counsel before him agreed that the compensation specified was right and proper.

"I assume," he said, "that respectable counsel represent their clients' interests respectably, and where they appear before me representing those interests, I am obliged to listen to them and I am justified in acting upon their agreed statements so long as nothing appears to arouse my suspicions."

Whether any of these orders contained anything which should have aroused his suspicion is a question upon which the committee will express no opinion. Abstracts of two such orders are set forth. It should be noticed that the parties appearing and consenting represented a peculiar class of clients. The relation of attorney and client is highly confidential, and ordinarily the court may properly attach weight to statements made on behalf of the client by the attorney. The latter is, however, only an officer of the court, of inferior responsibility, and possessing, by comparison, little power or authority. In such proceedings as these the relation of counsel to the receiver, to the State, to the department, or to policy-holders, is not such that their agreement to disburse large amounts of the trust fund can be held to in any way relieve the court from making careful examination of the facts upon which such action is asked for. This is doubly true when, as happened in these cases, the counsel were

simply consenting that payments of money might be made to each other and to certain appointees of the justice who signed the orders. Upon what possible legal ground the Superintendent of Insurance or his counsel can so consent cannot be conjectured.

Mention has already been made of two objectionable orders made in connection with proceedings prosecuted for the distribution of deposits in the insurance department. One of these orders, dated December 13, 1879, is in the matter of the American Popular Life Insurance Company. In the receiver's proceedings there had been a valuation of the policies in that company. Their validity had been passed upon, and the method of distribution and the claims against the company had been adjudicated upon. The application which led to the granting of this order was made on behalf of the insurance department, and the proceedings taken for the distribution of the deposits in the department were carried on exactly as if there had been no other proceedings. The order recites that J. Sanford Potter had been appointed referee and had reported. It directs the superintendent to pay to such referee \$2,500 for compensation and \$619 disbursements. It further directs the payment of \$1,500 to Harris & Rudd, attorneys for the department; \$2,500 to Messrs. Wingate & Cullen, attorneys for E. Z. Laurence, the receiver. It further directs the payment of \$4,500 to Edward Z. Laurence for services as actuary in valuing the policies and annuities. The order is made upon the consent of all the counsel before the court, but the recital of the order shows that all counsel before the court received allowances. In this instance the actuarial work for the department was performed by Laurence, who was also receiver; the revaluation of policies by him was purely a duplication of work necessarily done in the action for dissolution.

On the same day another order was granted of precisely the same character, by the same judge, in the "Matter of the Security Life Insurance Company." This order recites the appointment and report of Gunning S. Bedford as referee. It further recites that the proceeding has been important and difficult, imposing a large amount of necessary labor upon counsel. It then directs allowances as follows: Gunning S. Bedford, as referee, \$2,000 as compensation, \$168 as disbursements; Messrs. Harris & Rudd, counsel for the superintendent, \$3,000; to Hamilton Cole, counsel for Wm. H. Wickham, receiver, \$2,500; to Samuel H. Hurd, as actuary, \$5,000, and \$357 as disbursements. The total of such disbursements being \$13,025. At the time of the granting of this order there was available in the department to pay the same the sum of \$15,391. These two orders disposed of nearly \$25,000. No benefit, whatever, accrued to the fund from these proceedings.

Those orders, and others like them, have not been satisfactorily explained. The committee do not think they ever can be. It is the committee's opinion that the judge who signed them forgot the obligations of his position.

He was a justice of the supreme judicial court, our highest court of original jurisdiction. The judicial system, in part embodied in



him, is an integral element of the civil polity of an imperial State, a State first in wealth, in population, and in commercial importance amongst two-score progressive commonwealths, a State which by virtue of its pre-eminence, its geographical position, and the varied activity of its people wields power and influence far beyond that of any other member of the Union. The errors and misdeeds of so important an official in such a community, scandalize the nation, and depress the friends of public morality at home and abroad. The funds consigned to these receivers and disposed of by these orders were held in trust; they were part of a vast sum which the rascality of adventurers had imperilled, and which it was the duty of the court to guard against further incursions. In our chief city, enormous interests are controlled by corporations similar in purpose to these wrecks, the integrity of whose administration, and the perpetuity of whose establishment depend more largely upon a judiciary of lofty morals and unbending rectitude than upon any other resource. Through all the land is scattered an intelligent, observant and cautious body of citizens, whose confidence and favor are essential to the continued prosperity of these corporations, and to the further development of the principle underlying their existence.

Such an official, in such circumstances, was not justified in repeatedly signing orders that will not stand the test of close inspection, although they were consented to by those among whom the money was divided. To say that such consent relieves the judge from responsible and attentive action, is to assert an unworthy and intolerable conception of the nature of the judicial functions and attitude. It is true that these counsel are described by the distinguished witness as respectable. It is true that they were members of a profession which boasts a Jay and a Nelson among its dead, an O'Connor and an Evarts among the living. But that profession will reject with indignation the standard of judicial conduct here advanced. The reciprocal concessions of contending rapacity do not form a proper basis for judicial action. If the consent of counsel frees the court from care, where is judicial responsibility to begin or end?

Such a doctrine, in effect, places a trust fund at the disposal of any coterie of counsel, who can agree amongst themselves as to how much each ought to have from the moneys of others, providing only that they be respectable. These words are written in deliberation. They are based upon the consideration of a vast mass of evidence, and the conclusions set forth are forced upon the committee by the nature of that evidence as a whole as well as by the contemplation of specific objectionable features. Among the scores and hundreds of orders signed by this judge, he might well have erred in many instances, but the circumstances surrounding orders such as the two specimens selected, forbid so lenient and so desirable a judgment. He was acting in matters with which he had long been familiar. He was dealing with men who came before him with extraordinary frequency. The pseudo actuarial work of Hurd and Laurence was a flimsy pretense. The warfare between contending counsel was devoid of honest enmity. These facts were known to those who appeared before him. Unless he was strangely blind,

they must have been known to him. The committee feel forced, therefore, to say that the judicial methods and attitude of Mr. Justice Westbrook have aggravated and intensified the waste attendant upon the management of the trusts which they have examined. It is just to record that there is no disclosure of venality or corruption, direct or indirect, but the evils complained of, which led to the appointment of the committee are due, in their opinion, to the idiosyncrasies of this justice, as well as to the vices of a system. The greed of intervenors, the avarice of receivers and their counsel, the rapacity of actuaries, even the bold and conscienceless extortion of a standing referee, would all have been vain and ineffectual in the presence of a tribunal at once dignified, vigilant and impartial.

In the opinion already referred to, the general term of the third department uses this language: "The tendency of modern legislation to devolve upon the courts, through receivers, the care of great interests and the custody of vast sums, demands that such trustee be required at all times to comply with the strict rules which experience has shown will alone prevent loss." There is obviously here recognized a high degree of responsibility upon both the court and the receiver. The conclusion cannot be avoided that the court which delivered this opinion, in which one receiver was sternly rebuked, would never have granted many of the orders that have been submitted to this committee.

#### RECOMMENDATIONS.

The facts and considerations already presented clearly indicate that some remedy is needed. It has not escaped the notice of the committee that in some quarters misconception of the true cause of evil has given rise to a two-fold demand, which, in our judgment, should be acceded to only in small part, if at all.

That demand has been:

*First.* That there shall be some abridgment of the judicial powers and that certain functions inherent in the courts shall be bestowed elsewhere.

Such a change would be a fundamental error. It would be a violation of the honored doctrine which was long ago set forth in the formal and impressive phrase of the Massachusetts Bill of Rights: "In the government of this commonwealth the legislative department shall never exercise the executive or judicial powers or either of them; the executive shall never exercise the legislative or judicial powers or either of them; the judicial shall never exercise the legislative and executive power or either of them, to the end that it may be a government of laws and not of men."

This cause is not found in our constitution but its spirit underlies institutional self-government in this as well as in every commonwealth.

There should be no attempt to encroach upon or weaken judicial authority, because of an improper individual standard of official conduct. It can never be true that the weak or vicious character-

istics of one man warrant the indictment of a system or the partial abolition of a fundamental institution.

Neither should personal ambition or partisan necessities be allowed to attempt or to consummate a transfer of power that can not be justified in principle. An able writer has ably said: "These powers in their origin and content, are not determined in some historical accident nor are they merely the expedient of human ingenuity for which some substitute may be found in some other and better expedient, whereby, for instance, legislative or judicial functions shall be superseded; nor are they the sequence of some formal law. They are the manifestations of that which is immanent in the organism of the nation."

The State must act through individuals, and each of these should still be held to the full performance of the due functions of his office and to no more. Nor should it be unmentioned that of the four and thirty judges of our supreme court there are not three of that body of faithful and eminent officials whose reputation has been drawn into controversy.

The second feature of the demand spoken of has been disclosed in attempts to augment the power of the insurance and Attorney-General's departments. The general considerations just urged are pertinent in response to this. Moreover it has been revealed in the course of this investigation that these departments have tolerated, promoted and participated in the gravest abuses and that their administration has often seemingly lost sight of the true relation of the State to these funds. Past experience indicates that the power of the superintendent to discontinue or dissolve a company might well be restricted if not abolished.

Positive recommendations need not be numerous; these few are submitted:

#### DISTRIBUTION OF DEPOSIT WITH INSURANCE DEPARTMENT.

By chapter 463, Laws of 1853, section 17, the \$100,000 deposited for the security of policy-holders with the insurance department, was directed to be distributed with the other funds of the company.

By the amendment to this section contained in chap. 161 of the Laws of 1879, this fund was reserved from the other assets, directed to be distributed by the judgment of dissolution and a distribution thereof by the Insurance Superintendent was directed.

Under this act a distinct and separate legal proceeding is prosecuted for the distribution of this deposit, exactly as if no other proceedings had ever been had in regard to the company.

A new application is made to the court, new notice to creditors is published, a new actuary is appointed by the insurance department who proceeds to revalue the policies (already fully proved in the action for dissolution), a new referee is appointed to pass upon their validity, and on this a judgment of distribution is made and the money paid out by the Superintendent of Insurance.

The expense of this double method of distribution is uncalled for.

The valuations in the action for dissolution and the adjudications made therein as to claims against the company should be conclusive.

While it may perhaps be best that no commission should be given to the receiver in this fund, there is no reason why he should not pay it out when paying a dividend in the action for dissolution and thus relieve the department of the labor of distributing \$100,000 among thousands of claimants some of whom receive but a few cents.

#### REFEREES.

The question of referees in the distribution of the assets of insolvent insurance companies is one of great difficulty.

Their fees constitute a large portion of the expense of distribution and a reform of some kind is indispensable.

It will not do to give a receiver, whether an individual or an official, uncontrolled power to pay such claims as he sees fit at such rates as he chooses. Some tribunal must be provided before whom rejected claims can be rapidly and cheaply heard and disposed of; hence referees are at times a necessity.

The passing upon these claims is a duty of such a peculiar nature that special provision should be made in regard to compensation; either a small fee for each case or an allowance per diem should be provided, special care being taken to prevent procrastination by refusing compensation for mere adjournments.

The practice of having numerous referees to pass upon similar questions is objectionable.

A single referee soon becomes so familiar with questions arising in such matters as to be able to rapidly dispose of matters which to a new man are intricate and difficult.

#### ACTUARIES.

The appointment of actuaries requires reformation. There is no provision requiring any experience or ability, nor prescribing any scale of compensation, or opportunity for those interested in the fund to review an excessive compensation.

#### INTERVENORS.

The right of policy-holders to have notice of proceedings in which they are interested, and to appear therein by counsel cannot be questioned, but such a right, coupled with the right to claim compensation from the fund, offers a premium upon litigation. So long as the Attorney-General and insurance department do their duty, it is hard to imagine a case in which an intervenor would be entitled to such compensation. If possible, some method should be devised giving policy-holders a voice in the selection of a receiver.

#### A COMMISSION NEEDED.

To compile and revise the insurance statutes of the State would

require the labor of a commission. Such a work seems, however, to be grievously needed, and if well performed, it would substitute a homogeneous body of law in the place of the present wilderness of enactments.

#### THE CONTINENTAL LIFE INSURANCE COMPANY.

The Continental Life Insurance Company was organized May 10, 1866, under the General Life Insurance Act of June 24, 1853, with a capital of \$100,000. Justice Lawrence was the first president, and at his death in 1872, Luther W. Frost was elected president, and subsequently Rufus C. Frost, his brother, was elected vice-president. The charter provided that seven per cent of the capital stock should be annually paid to the stockholders, and also one-eighth of any surplus profits after providing for outstanding liabilities, the remaining seven-eighths to be credited to the participating policy-holders.

It appears from the report of William Allen Butler, dated April 23, 1877, upon which we place reliance: "The directors gave little time or attention to the business of the company. They relied on the statements of the officers in regard to the condition and affairs of the company, and made no personal investigation in regard to them. The policy-holders never had the benefit of any such scrutiny or supervision by the directors as might, if pursued with any degree of attention, have disclosed the insolvency of the company long before its open failure. And it appears that by a systematic course of flagrant and criminal abuse of trust on the part of the officers of said company, in the management of its affairs, the said Frosts and one James P. Rogers, the secretary of the company, continued to plunder and rob the same until the summons was served in the action commenced by Messrs. Sewall and Pierce, attorneys for John O. Hoyt, a stockholder of the company, and holding stock in the amount of one thousand dollars. The nature of this action was a stockholders' bill alleging the insolvency of the company and fraudulent management, and asking for a receiver, and was commenced October 11, 1876, by the service of a summons which was dated October 2, 1876.

It seems that the New Jersey Mutual Life Insurance Company was organized January 1, 1865, and had become closely related to the Continental Life after the succession of Mr. L. W. Frost as president.

It appears that repeated loans had been made from time to time by the Continental to the New Jersey company, and without security, and that on the 10th day of October, 1876, a contract was entered into between these companies by which the New Jersey company undertook to reinsure the Continental company on a certain particular class of risks, and the said Continental company delivered to the said New Jersey company \$107,000 in bonds and mortgages, and \$78,000 in government bonds. This transaction occurred the day before the said summons was served.



The Empire Mutual Life Insurance Company was organized in 1869, and was closely related to the Continental Life, the leading directors being the same in each company, and, in 1871, L. W. Frost became president of the same, and in 1872 it was determined to wind up the affairs of this company, and to reinsure its risks in the Continental, which was done.

On the 25th day of October, succeeding the service of said summons, Mr. John J. Anderson was appointed receiver of the said Continental company by Mr. Justice Pratt, of Brooklyn, New York, and he immediately qualified and filed his bond with the said two Frosts thereon as sureties.

The defendant did not contest the action, but appeared by their attorneys, Messrs. D. J. & S. A. Noyes, of New York city, with whom were associated Mr. Whitney and Mr. Hill of the same place, and on the day Anderson was appointed, appeared in court and assented to Anderson's appointment.

Anderson's first duty which he had to perform and which was obligatory upon him by the statute, was to have made and reported to the court the assets and liabilities of the company so far as he could ascertain the same, and he should have done this immediately. In the judgment of the committee this should have been done within thirty days from the time he had qualified. He had and retained for some time, the whole force of the company, consisting of a corps of twenty-five to thirty assistants. But this was not done, and on the 16th day of January, 1877, an order was made at a special term of the supreme court, held in Kings county, upon the application of Stephen English, a policy-holder in the company, by Raphael J. Moses, Jr., his attorney, directing William Allen Butler, as referee, to examine and pass the accounts of said Anderson, the receiver; to examine into the assets and property of the said company, and to make such recommendations to the court as might seem just and expedient to the welfare of the policy-holders and others interested in the funds. \* \* \* The order also provided that it was the intent of the same, that full power be conferred upon the referee to afford opportunity to all parties interested in the fund, to make examinations as to all assets on hand and available, and to also inquire what funds, if any, had been theretofore abstracted and misapplied through the wrongful act of any of the officers of said company.

This order was served on the referee the 22d day of January, 1877, and on the 26th day of January a hearing was had before said referee.

The insurance department, at that time under the control of acting superintendent William Smyth, was largely responsible for the mismanagement of the Continental company.

During the ten years preceding the insolvency of the company it had not been visited by the agents of the department for the purpose of examination. After the appointment of Mr. Anderson, as receiver, as appears in the testimony given by Robert Sewell, a

deputy from the department, asked Mr. Anderson to be allowed to examine the affairs of the company. The following is an extract from the testimony of Robert Sewell:

Q. Do you remember who that deputy was? A. I think his name was Smyth; he came down and wanted to examine the company; Mr. Anderson, under my advice, said "No; this company is in the hands of the supreme court; you had a chance to examine it for five or six years; instead of examining it you went fishing with the officers of the company and you shall not examine it now."

Referring to the statement made by Mr. Anderson, that the Continental company had never been examined by the department of insurance, William Allen Butler, in his report as referee, says:

"There was evidence tending to show a failure of duty on the part of the Superintendent of Insurance in respect to the examination of the company. It appeared by the testimony of James McDonnell, an agent of the company, that application had been made to the superintendent in August, 1876, on behalf of himself and others for an investigation, but it was not made; the annual statement of December 31, 1875, should, as it seems to me, if carefully scrutinized, have induced an examination, in view of the single item embraced in it of uncollected and deferred premiums, stated at \$696,221.81, about 25 per cent as compared with the amount of the total income of the year—\$2,452,466.90, while the same item for the year 1875, in the statement of the Mutual Life Insurance Company, with an income of over \$20,000,000, was under \$900,000, or less than 5 per cent."

There seems no doubt as to the fact that the appointment of Mr. Anderson as receiver was brought about in order to cover, if possible, the fraudulent transactions and mismanagement of the officers of the Continental company.

William Allen Butler testified that the suit of John O. Hoyt against the Continental Life Insurance Company, which resulted in the appointment of Mr. Anderson as receiver, was evidently commenced in anticipation of any action by other parties, or by the Attorney-General. From the relations in which Mr. Anderson stood to parties interested in the management of the company which culminated in disgraceful insolvency, he was hardly the proper person to be appointed to such a position. That there was a close connection between Mr. Anderson and the officers charged with "wrecking" the company, is shown from the fact that on the bond given by Mr. Anderson as receiver, two of the sureties were the president of the company, Luther W. Frost, and Rufus C. Frost, who was a director and acting vice-president at the time the company became insolvent.

When these facts were made known to the court by a special report of Mr. Butler on the 27th of January, Mr. Anderson was ordered immediately to give additional bonds and proper sureties. This order was not complied with, and the court thereupon suspended Mr. Anderson as receiver. Luther W. Frost and Rufus C.

Frost, the sureties on the bond of Mr. Anderson, absconded soon after the appointment of Mr. Anderson, and their places of abode have never since been ascertained. The alliance of Mr. Anderson with the parties charged with the mismanagement of the affairs of the company is evident in other particulars. In the suit which resulted in the appointment of Mr. Anderson as receiver, D. J. & S. A. Noyes represented the company as attorneys. D. J. Noyes, who was acting at that time on behalf of the New Jersey Mutual Life Insurance Company, suggested the appointment of Mr. Anderson as receiver. In regard to the subsequent relations of Messrs. Anderson and Noyes, William Allen Butler testified as follows: "There was a very close connection between the New Jersey Mutual Life and the Continental Life, and Mr. Noyes, who was in the New Jersey Life company, was shown to have constant business transactions in the way of borrowing money from Mr. Anderson, and there was a good deal of testimony in regard to certain bonds being made available for both companies' assets; that was done by the manipulation of Mr. Noyes, apparently."

Q. What was his given name? A. D. J. Noyes; and as Mr. Noyes departed co-temporaneously with the Frosts, and the Frosts were sureties on Mr. Anderson's bonds, I thought the evidence showed that while there might be no individual wrong imputed to Mr. Anderson, that he was so allied to and identified with those parties, *that the court should not have appointed him as receiver.*

In relation to the transactions of Mr. Anderson and D. J. Noyes, above mentioned, by which certain bonds of the Continental company were also made available as assets of the New Jersey Life Insurance Company, Mr. Butler says in his report as referee:

"Mr. Anderson purchased, as receiver, December 18, 1876, \$10,000 government bonds, which he sold December 30, 1876, having, as he testified, concluded that he was not authorized to make such an investment of the funds of the company; he accordingly treated the sale as an individual transaction, and replaced, December 30, 1876, in the assets of the receivership, the amount which he had paid for them. He also sold, early in January, 1877, out of the \$75,000 of bonds which originally came into his hands as receiver, six 'called' bonds. On December 26, 1876, he had on hand, besides the six 'called' bonds, \$69,000 of the company's bonds, which were on the 'July list' above referred to, and also the \$10,000 purchased by him with the funds in his hands as receiver, December 18, 1876. It appears by the evidence that every one of these \$79,000 of bonds was, on the 26th December, 1876, exhibited by the New Jersey Mutual Life Insurance Company, at Newark, N. J., before D. P. Fackler, the special examiner appointed by the secretary of state of New Jersey to examine into the condition of that company, as a part of their assets, together with \$28,000 other government bonds, which had formerly belonged to the Continental Life Insurance Company, and which were also on the 'July list.' A schedule of all the government bonds produced before Mr. Fackler,



describing them by the numbers and amounts and the series to which they belonged, was made under his direction, and a duly authenticated copy thereof was produced before me, accompanied by a certificate under seal of Henry C. Kelsey, secretary of state of New Jersey, stating that all the bonds named in the schedule had been so produced, and that the president of the New Jersey Mutual Life Insurance Company had, on the 26th December, 1876, stated under oath, that they were at that time the property of said company *bona fide*."

After Mr. Anderson was suspended Mr. William R. Grace was thereupon appointed receiver of all the property of the Continental Life Insurance Company, and the referee was directed to proceed with his examination. The property in Mr. Anderson's hands was transferred and delivered to Mr. Grace through said referee. It is stated the assets so delivered were \$2,681,500 which sum included \$1,000,000 in premium notes or loans on policies in force, and also \$156,500 deposited in the Insurance Department at Albany.

The total liabilities were estimated at \$5,800,000. This certainly was a sad condition to find this company in after its once conceded prosperity.

Mr. Butler proceeded with his examination, certainly with some degree of celerity compared with subsequent events, and made an exhaustive report to the court which bears date April 23, 1877, and he was paid about \$2,500 in fees for his services. In the mean time and some time in October, 1876, the Attorney-General, Mr. Fairchild, commenced an action in his name, or the name of the State against the Continental Life Insurance Company, upon the Report of Superintendent of the Insurance Department, alleging that the stockholders had no right to put the company in the hands of a receiver, and that he alone was possessed of that power, and on the 31st day of March, 1877, an order or decree was made in these proceedings in the third department by Mr. Justice Westbrook, by which the legality of the action on the part of the Attorney-General was upheld on the express grounds that the act of 1853 was, as claimed by him, exclusive in its character, and provided the only legal method of administering upon the assets of an insolvent insurance company.

Anderson had defended this action, claiming to defend his title, and it continued during Mr. Grace's receivership.

This decision of Mr. Justice Westbrook was in conflict with the previous decision of Mr. Justice Pratt.

It seems after the Attorney-General commenced his action then Messrs. Sewell and Pierce, S. A. & D. J. Noyes, Judge Fullerton and Mr. Hill, were all engaged to defend Anderson against the Attorney-General's action and to act in his behalf.

From the 31st day of March, the date of Mr. John P. O'Neill's appointment as receiver, until the 15th day of July, 1877, the time that said O'Neill got possession of the funds of the Continental Life Insurance Company, very little if anything was done to advance the settlement of the affairs of this company. A number of clerks draw-

ing salaries were in the employ of the receiver, yet no dividend was declared and during this period of lethargy, it fairly appeared from the evidence taken before us, there was set on foot and being prosecuted by the attorneys for Mr. Grace and Mr. O'Neill, some kind of a compromise which resulted in a settlement of the difficulty as to the title of the receivership. Mr. Grace held his place from February 15 to March 31, as undisputed and after that until the surrender was made July 15, 1877. Down to this time no dividend had been made, and indeed no basis had been prepared for one. It was at this point that the receivership had got under full sail. The funds had not yet been collected, although nine months had elapsed since Anderson's appointment, and, indeed, even at the date of this report, all of the property belonging to this estate has not been reduced to cash.

Mr. Butler had reported to the court that the mortgage loans ought to be called in and proceedings taken where parties had defaulted in payment, to collect the same, and that it was due to a proper administration of justice that there should be a speedy and fair winding up of the affairs of this company, yet at this time no such steps had been taken.

Up to this time politics had not entered into the selection of either Anderson or Grace, so far as we have been able to ascertain. Mr. Anderson was appointed, as it would appear, in the interest of the old officers of the company. Mr. Grace was appointed upon the basis that he was a good business man; yet he had not had any experience as an insurance expert, nor had he ever given the subject any careful deliberation or attention.

Mr. Anderson delivered possession of the property and building to Mr. Grace, on the 7th day of February, 1877, his appointment having been made the 5th of February, and he continued in possession of the same until July 15, 1877, as appears by the receipt given by Mr. O'Neill to Mr. Grace. We hardly think that Mr. Anderson was the proper person to have been appointed under any circumstances; he had not that freedom and independence of action that was required for the care of a great trust like this, nor had he the required knowledge of the business; and for this reason he had to rely upon counsel, which he did, as will be seen by the following extract from his testimony:

Q. I understand you in your testimony, that most of these charges for legal services, you paid without knowing what services were rendered for them? A. To tell you the plain fact, I didn't know; it is like taking medicine from a doctor; you do what he tells you to do.

He does not seem to have had any definite plan or idea of just what was being done while he was receiver. He employed a large number of counsel, and testified that Mr. Sewell advised him to employ them; he did not seem to know whether he wanted them or not.

It would seem that all was a grand confusion to him, as will appear by an extract from his testimony.

Q. Why didn't you then, when the court directed you to (i. e. file a new bond)? A. Because I had made up my mind to resign at the time; I got notification at four o'clock in the afternoon and the next morning at ten o'clock my resignation was written; *I was there surrounded by lawyers and others who wanted to get the management of these affairs themselves and I concluded to quit.*

Q. Can you name any body that wanted to get the management of the affairs of the company? A. If you had been there and seen the army of people that went there — "*I can't get the run of it.*"

And it will be seen that he kept the whole force of employees that he found in the office when he took possession for two weeks and then he began to reduce them, but when Mr. Grace took possession he testified and stated in a letter to the committee that he found in the office under Anderson and in his employ, nineteen persons at an aggregate monthly salary of \$3,146.66.

Mr. Anderson could not, when upon the stand before the committee, give us any information upon that subject that was accurate, and we have not been able to obtain accurate evidence upon the subject.

Anderson did not know how many of the employees he continued in his employ and for that reason could not give their expenses.

He said his report had the expenses correctly but in that on page 123 of the Continental volume, he has stated "paid for salaries of clerks, etc., \$856.12," but this cannot be in any sense correct for he continued the help in the office at the same salaries that the company gave them.

From all the evidence, and the best evidence that we could get, we think the average monthly salary list of Anderson's employees kept in the Continental office was about \$4,000, which would equal for three months and nine days the time Anderson was receiver, \$13,200. He did not hesitate to employ counsel, for he says he employed Messrs. Sewell and Pierce, and paid them without any order of court \$2,000; he also employed Judge Fullerton and paid him \$5,000; he also employed George W. Miller and paid him \$500; he employed John L. Hill and paid him \$1,100; he employed William H. Randall and paid him \$347; he employed Daniel Magone and paid him \$1,000.

Said Miller then resided in Albany, N. Y., and said Magone in Ogdensburg, N. Y. There were some other attorney fees paid as will appear by the following questions on page 112:

Q. Is it not a fact that the attorney's fees were over \$12,000?

A. Altogether; yes, sir.

He also employed and paid S. A. & D. J. Noyes, \$700. And it seems Anderson directed this last firm to go on with certain foreclosures of mortgages that were in their possession before the appointment of a receiver; and under Mr. Grace said last firm would not surrender them unless they were paid \$800, and Mr. Grace or his attorneys promised to pay this money but did not, and the same was paid by Mr. O'Neill about one year after his appointment upon an order of the court.

There were other expenses and disbursements, but we were unable to get at them, Mr. Anderson claiming that the books were out of his hands and that he could not give them.

The committee failed to see wherein Mr. Anderson benefited the trust in any manner, unless it was in the matter against the New Jersey Mutual Life Insurance Company which he gave as follows:

Q. Was that the amount of which you subsequently recovered \$102,000? A. Yes, sir. I also saved \$100,000 for the company in the reserve, making \$202,000. To understand that matter I must explain: The New Jersey Life Insurance Company had bought the policies of the Continental and consequently after they had bought them they were cancelled; that reduced the liability of the Continental \$100,000. Those policies I got and handed over to the company.

Q. Judge Fullerton commenced an action against the New Jersey Company? A. Yes.

Q. Why was it that money—those bonds that you recovered \$102,000—why they were retained by him and not passed over to you? A. They were virtually passed over to me because he told me he had them. I was going on—

Q. Why did Judge Fullerton retain \$102,000 of the bonds as belonging to you as receiver; what was the reason of it? A. I could have gone and got them; I expected to go out in a few days; I was intending to resign in a few days.

Q. You didn't make any demand for them? A. Yes, sir.

Q. You didn't transfer them to your successor? A. No, sir, I didn't; I could have done so.

Q. You didn't in fact? A. No, I didn't in fact.

Q. Did Judge Fullerton have any claim on them? A. No, sir, not at all; I could have gone and got the \$100,000 in ten minutes.

Q. Was that obtained by a compromise? A. No, sir; not that I know of.

Q. Were you consulted about how it was recovered? A. No, sir.

Q. It was recovered by a suit? A. There was a suit.

Q. There wasn't any answer? A. No, sir.

Q. They were not included in the assets turned over to you? A. No, sir; but I stated in the assets that there were \$102,000.

Q. That was outside the statement to your successor? A. Yes, sir; I went with Mr. Grace; I could have got them with him.

This is the language of Mr. Anderson, but Mr. Grace gave another account of this matter, as follows:

Q. Mr. Sewell stated that Anderson had recovered \$102,000 from the New Jersey Insurance Company. Do I understand you to say that is correct? A. I don't know anything about that; I know there was \$102,000 that ought to be in the hands of the receiver, which I didn't receive from Mr. Anderson.

Q. It was not in his hands at the time that he transferred the property to you? A. No, sir.

And then Mr. Coudert, the attorney of Mr. Grace, tells how he got them, viz.:

My attention has been called to what has been said about the \$102,000 bonds and mortgages that were recovered. I say frankly that I never understood it then, and I don't understand it now. But the object was to get them back.

Q. Where were they? A. I first called on Mr. Noyes in regard to them.

Q. What Mr. Noyes? A. The gentleman who was sitting here; I found they were placed in escrow, or on deposit, for what purpose I don't yet know.

Q. By whom? A. I don't know; I don't know how they got there, but they were in Judge Fullerton's possession; we found they had them there. I saw Judge Fullerton, and he said he had them in his safe; I called several times, and tried to obtain them in every way. Mr. Grace was urging me to get them. I called at his office, and I called at his house; and I finally applied for what is technically called a rule—he is attorney of the court—requiring him to show cause why he should not turn them over.

Q. To do that you had to commence an action? A. No, sir; merely a proceeding that he should give them over. I can't say that that order was ever signed; but we got so far as to prepare the order.

Q. Were any papers served? A. I laid the case before the judge and told him that these papers were not delivered; one day they came—\$102,000. But I think that is not all there were; my impression is that there were six or eight thousand dollars more of them.

Q. Is that the same \$102,000 mentioned by Mr. Anderson, where an action was commenced for their recovery? A. They must be the same.

Q. Mr. Anderson brought suit against the New Jersey Mutual Life for that \$102,000? A. I could not tell what he did.

Q. Did any such suit come into your hands as counsel? A. No, sir.

Q. Upon what is your impression based as to the amount? You seem to think there was more than \$102,000? A. My recollection was that the reinsurance paid by the Continental to the New Jersey Life was larger than \$102,000. That is what I based it upon. Mr. Anderson was not paid anything for his services as receiver, and the justness of the statement of Mr. Butler in his report upon that subject is fully concurred in by this committee. Mr. Grace began his administration, by removing most of the employees he found in possession, and made some new appointments, and in his statement to the committee he is shown to have employed in February, 1877, twelve persons at an aggregate monthly salary of \$1,300.69; and in March fifteen persons at an aggregate monthly salary of \$1,979.89; in April twelve persons at an aggregate monthly salary of \$1,660; in May six persons at an aggregate salary of \$743.22; and during



the month of June up to the time of his retirement, an aggregate monthly salary of \$388.

There were other expenses connected with the office, for extra help, etc.; he was not in office very long before Mr. O'Neill was appointed; indeed, only from February 7 to March 31, 1877. During this time he was engaged in looking up the affairs of the company and trying to get familiar with the business; receiving moneys and taking care of the funds on hand, and he also completed a valuation of the policies. Very little advancement toward a dividend was made, and when O'Neill was appointed Mr. Grace tells his story in the following language:

"I found that I could not accomplish any thing further, another receiver having been appointed, and in view of the liability that I would be met with the charge that I was not the receiver. Of course I ceased to push matters with the same energy that I had done. I made up my mind that I wanted to get out. Finally, my counsel, under my directions, told the judge in the other proceedings that all I wanted was to be permitted to give an accounting, and that when my accounts were passed I would get out. That is about all the history of it as I remember now."

And Mr. L. L. Coudert gives the following account of the transaction:

"We were unanimous on that subject, and we both agreed that he should get out; I knew he was anxious to, and I was. I called upon Mr. Cullen, who represented the receiver, who had been appointed by Mr. Justice Westbrook, and I told him that Mr. Grace wanted to get out of it; that the receivership was the sort of thing we didn't want to have these side litigations about. He asked when, and I answered, immediately. Then a telegram was sent to Judge Westbrook asking when he would see us. In the course of the afternoon of the same day an answer came that he would see us at the Delavan house at once. I got into the express train with Mr. Cullen and went to the Delavan house and told Justice Westbrook that Mr. Grace wanted to get out, and that the only condition he would make on getting out was that his accounts *should be passed as those of a trustee acting in good faith*. That was all that was done and said about it in that respect. They asked me then to draw an order, which I did, and I think the order was signed then and there, Mr. Justice Westbrook saying that he would make an order of reference to pass Mr. Grace's account; I didn't know to whom he made it; I wasn't consulted and I didn't care.

Morgan A. Dayton was appointed referee, to pass upon the accounts of Mr. Grace, by Judge Westbrook, May 26, 1877; and under this order evidence was taken by him, Mr. Grace and Mr. O'Neill appearing, as the report sets forth, in person, and Condert Bros. for Mr. Grace, and Mathews & Cullen for Mr. O'Neill. Davies & Work, R. J. Moses, Edward Young and M. D. Hanover appearing for certain policy-holders, and the Attorney-General was represented by Henry J. Cullen, Jr., and his disbursements under

the New Jersey appointment as receiver of the New Jersey Life Insurance Company were allowed at \$2,507.65; and his disbursements under the New York appointment were allowed at \$28,917.32; his total disbursements allowed, were \$31,424.97.

And before said Dayton were presented, as certified by him, the bills of attorneys and counsel fees, amounting in the aggregate to the sum of \$36,291.10, and proofs were given to substantiate the same, *and no objections* were made or filed thereto. Yet the referee, as he states, only allowed the following: To Benjamin F. Tracy, \$3,500; Coudert Bros., \$7,000; Gilbert & Cameron, \$1,500; Redfield & Hill, \$1,000; Winchester Britton, \$3,500; and C. W. Sloane, \$500; making in all, \$17,000.

What these several counsel did and how they earned this large sum of money, we are unable to state. And there was also allowed to the receiver for his commissions the sum of \$15,000; the total expenses of Mr. Grace's receivership being the sum of \$63,424.97; and this report was confirmed by Mr. Justice Westbrook.

The committee are wholly unable to see upon what basis these large sums of money were allowed. Mr. Anderson claimed that he was authorized to employ counsel; but the committee are unable to see wherein the counsel thus far benefited the estate, and we are wholly unable to see wherein counsel outside the city of New York was needed, and we do not see nor can we understand why Mr. Anderson and Mr. Grace should need the aid of so many lawyers if they intended to conduct the estate for the best interests of the policyholders.

On the 22d day of September, 1877, Mr. Anderson, through his counsel Messrs. Sewell and Pierce, applied to Mr. Justice Westbrook for an order of reference to examine into and take proof concerning the compensation of counsel employed by Mr. Anderson, and also to take proof concerning the services of said Anderson, and whether they were of value to the trust or not, and if so, of what value; and whether the said Anderson was entitled to compensation therefor, and what would be a reasonable compensation; and said order was granted on the date aforesaid; and on the 27th day of April, 1878, the referee, Charles H. Winfield, of New York city, began the hearing before him April 27, 1878, and he continued to hold court at different times until July 9, 1881, for a period of more than three years and three months. There were one hundred and thirty-seven different meetings, including adjournments. The court was held in his office, No. 120 Broadway, New York.

A stenographer, Mr. Menehan, was employed for that purpose.

At twenty-five or thirty of these meetings no testimony was taken whatever, as stated by Mr. Winfield; but he was not very exact about it, and the reference in 1879 had continued so long, Mr. Sewell, on behalf of Mr. Anderson, applied to Judge Westbrook for a supplemental order allowing the referee to pass, and rule upon all evidence when offered, which was granted; but Mr. Winfield testifies that this did not help matters much.

In the first place, the committee are of the opinion that these orders ought never to have been made. Judge Westbrook had decided in effect that Anderson & Grace had not properly or legally been appointed receivers; that the Attorney-General was the only party who could proceed against the Continental Life under the insurance statute before referred to, and this was not appealed from; and *in the second place*, if Anderson was an acting receiver, and was entitled to compensation for services it would seem to the committee that good judgment and judicial discretion would have required the judge to whom this application was made, to have ordered these parties to have appeared before him, and for him to have taken such proof as he saw fit to enable him to understand whether Anderson was a proper receiver, and whether he had any manner benefited the estate, and this could have been done at a few hearings. And it would seem that the judge ought certainly to have done this after Mr. Butler had reported that Anderson was not entitled to any pay for he certainly must have known of such an order.

And in the third place, we are of the decided opinion, that the stipulation entered into at the beginning of these sessions was unwise. This is what Mr. Winfield testified to.

Q. What was the agreement? A. At the rate of \$20 for each sitting at which any proceedings were had, and \$10 for each adjournment, except such as may be had at the request of the said referee; and a further sum of \$10 for each hour actually spent by the referee in examining evidence or writing a report at the direction of the referee.

Q. Who made that agreement? A. I think that was signed by all the parties.

Q. When was it made? A. At the outset.

Q. I understood that several attorneys appeared before you after the commencement of the examination? A. If there were such, I still think they were.

Q. Did they subsequently sign it? A. I am inclined to think they did.

Q. That was done at your request after you had signed it, I suppose? A. I don't remember any such request; I don't remember now that I did; perhaps I may have done so.

Q. That was the agreement made at the beginning of the sittings? A. Yes, sir; I would not say it was at the commencement; it was early in the proceedings.

Q. Do you mean in the first days of the sitting? A. The first two or three sittings.

Q. Then you made that agreement? A. Yes, sir.

Q. Did Sewell know you made it? A. I think he signed it.

Q. Was Mr. Hill a party to it? A. I think he also signed it.

Q. Was Mr. Miller a party to it? A. As to those two I shall not be positive. I have no doubt about Mr. Sewell.

Q. Was Mr. Magone a party to it? A. No, sir.

Q. Was Judge Fullerton a party to it? A. I don't think he signed it; I cannot really remember of his appearing on the case, although I can't say he didn't.



Q. Was there anybody else that you now remember that signed it? A. I think Moses and Work signed it.

Q. They appeared for the policy-holders, they signed it? A. That is my recollection.

It tended directly to prolong these sessions; it could have no other effect; and then it would seem to us that the policy-holders, if they had been anxious to have done the estate a benefit, would have moved to have closed the reference. It was simply to the minds of the committee a squandering of these funds that belonged in fact to poor widows and orphans. And the judge who made the order must have known how this reference was going on and he should have taken steps to have ended it, and one of the lawyers described it before us as dragging along from month to month and year after year until the case got to be one of those "night mares" which appalled him when he thought of it.

On the 11th of July, 1881, Mr. Winfield made his report and allowed to Messrs. Sewell & Pierce \$10,000, Mr. John L. Hill \$3,750, Mr. George W. Miller \$1,500, Mr. John J. Anderson \$13,000, and he found that Messrs. Sewell & Pierce had been paid out of the assets of the company \$2,000 and Mr. Hill had been paid likewise \$1,100 and Mr. Miller \$500.

To the minds of the committee these enormous allowances for the services rendered, are unparalleled in the history of legal services.

Mr. Moses and Mr. Work excepted to this report on behalf of the policy-holders, and a motion was made by Anderson's counsel to confirm the same and to over-rule the exceptions. Some time in October, and as Mr. Sewell was sick on the return day, it was allowed to go over, and since that time no action has been taken, and the same is now pending before Judge Westbrook.

After this was done and the report of Mr. Winfield had been made, then in September, 1881, Mr. Winfield, it seems, wanted his pay for the arduous (!) services that he had performed for so many years and applied to Judge Westbrook upon petition, with the affidavit of a Mr. Randall, a clerk in his office, for an order directing the payment of his bill as referee, or for an allowance for his services; and Judge Westbrook, on the 6th day of August, made an order allowing Mr. Winfield on the papers served, the sum of \$7,500 to be paid out of the fund, and ordered Mr. O'Neill to pay this sum. It seems that before this and while the reference was going on, Messrs. Wingate & Cullen had paid Mr. Winfield the sum of \$1,550 to apply on his fees, and this sum was deducted from the \$7,500.

Why Messrs. Wingate & Cullen, the attorneys for Mr. O'Neill, were paying a referee not appointed by them, nor recommended by them, and who was appointed on the motion of Mr. Sewell the counsel of Mr. Anderson, for the purpose of establishing a claim against an estate and trust that it was their sworn duty to protect from the unjust claim of Anderson, is more than this committee can comprehend; but the bill was paid.

This large allowance to this referee who had so conducted the proceedings before him as to call down just censure upon him, without

an examination by the judge into the facts and circumstances surrounding such an unprecedented course pursued by the referee, and the reasons for the long time he had been holding court deserves our just condemnation.

Mr. Winfield was allowed the extravagant sum of \$7,500 ; a sum greater than the judge himself receives for a whole years' services to the people of the State.

#### THE APPOINTMENT OF JOHN P. O'NEILL AS RECEIVER.

In relation to the circumstances of the appointment of John P. O'Neill as receiver of the Continental Life Insurance Company, Judge Theodoric R. Westbrook testified substantially as follows: "Mr. Fairchild, who was at that time Attorney-General, applied to Judge Westbrook to appoint a receiver. Henry J. Cullen, Jr., of the firm of Wingate & Cullen, urgently recommended the appointment of Edward Z. Laurence for the place. Judge Westbrook visited the comptroller's office in New York city and consulted with Mr. John Kelly as to the appointment. He stated to Mr. Kelly that he had the appointment to make, and that he did not know who to appoint, and would listen to any suggestions he might wish to make in regard to the appointment. Mr. Kelly recommended Mr. John P. O'Neill for the position. Mr. O'Neill was a lawyer who had practiced in Philadelphia and had but recently removed to New York city. Mr. Kelly stated that he knew Mr. O'Neill very well and could recommend him as a proper and worthy man. Subsequently Mr. O'Neill called upon Judge Westbrook at the Rossmore hotel, and the interview led directly to his appointment as receiver. In relation to the appointment of Mr. O'Neill, as receiver, Mr. John Kelly testified in substance, as follows: Mr. O'Neill called upon Mr. Kelly frequently to solicit business for him from the justices of the supreme courts, and the judges of the other courts, and Mr. Kelly had been instrumental in sending him some references prior to this time. At this time efforts were being made to remove Mr. William R. Grace from the receivership of the Continental company. Henry J. Cullen, Jr., of the firm of Wingate and Cullen, called upon Mr. Kelly to solicit his aid in securing the appointment of Edward Z. Laurence to succeed Mr. Grace. It occurred to Mr. Kelly that this would be a good opportunity to help Mr. O'Neill, who was practically a stranger in the city and trying to get along, and Mr. Kelly applied to Attorney-General Fairchild to assist him in getting Mr. O'Neill the place.

Mr. Fairchild refused, saying it was a matter in which he could not interfere. Mr. Kelly suggested the name of Mr. O'Neill to the parties, who were urging the appointment of Mr. Laurence, but they declined to favor the appointment on the grounds that they did not know Mr. O'Neill. At an interview between Judge Westbrook and Mr. Kelly in the comptroller's office in New York city, Mr. Kelly suggested the name of Mr. O'Neill for receiver of the Continental company, and urged Judge Westbrook to appoint him to that position. Judge Westbrook asked Mr. Kelly to send Mr.

O'Neill to him at his room in the Rossmore hotel, which was done, and after the lapse of a few days, Mr. O'Neill was appointed as receiver of the Continental company.

Mr. Kelly also called at the office of Judge Donahue, and asked his assistance in obtaining the appointment of Mr. O'Neill, and is of the opinion that Judge Donahue aided him in the matter. The committee believe that Mr. Kelly recommended Mr. O'Neill because he considered him a competent man and desired to assist him in a friendly manner.

John P. O'Neill testified in regard to his appointment as receiver, that he was sent for by Mr. John Kelly, who informed him that Judge Westbrook was about to appoint him receiver of the Continental, that bonds to the amount of \$200,000 would be required, and that Judge Westbrook wanted to see Mr. O'Neill at the Rossmore hotel. Mr. O'Neill called on Judge Westbrook the same evening, who informed him that he was going to appoint him receiver of the Continental company. Subsequently, Judge Donahue sent for Mr. O'Neill to come to his office where he introduced to him Henry J. Cullen, Jr., of the firm of Wingate & Cullen. Mr. Cullen informed Mr. O'Neill that his bondsmen would be on hand presently, and accompanied him to Mr. O'Neill's office, after which Mr. Edward Kearney entered and stated that he was to be one of the bondsmen of Mr. O'Neill. At the request of Mr. O'Neill, Mr. John J. Bradley also became surety. A few days later the appointment of Mr. O'Neill was received by Messrs. Wingate & Cullen, who, at the suggestion of Mr. John Kelly and Judge Donahue, had been retained as general counsel for the receiver.

The testimony of Henry J. Cullen, Jr., of the firm of Wingate & Cullen, shows that he met Mr. O'Neill by appointment at the office of Judge Donahue, and at the expiration of the interview he understood that Mr. O'Neill was to be appointed receiver of the Continental company, and that Wingate & Cullen were to be retained as receiver's counsel. At the request of Mr. O'Neill, Mr. Cullen appeared before Judge Westbrook, at Kingston, who informed him that he had concluded to appoint Mr. O'Neill receiver of the Continental. An order said to have been prepared by Mr. Moses with the name of the receiver left blank, was produced, filled in by Mr. Cullen, and the order duly executed by Judge Westbrook. Mr. Cullen also testified that he had several consultations with Mr. John Kelly in relation to the appointment of Mr. O'Neill as receiver.

An impartial examination of the testimony will reveal that Mr. John P. O'Neill was appointed receiver of the Continental Life Insurance Company by the cooperation of Judge Theodoric R. Westbrook, Mr. John Kelly, Judge Chs. Donahue and Messrs. Wingate and Cullen; and in connection with the foregoing, it also appears from the testimony, that during the administration of Mr. O'Neill, commencing March 31, 1877, the following sums of money have been paid out of the funds of the Continental company to the persons below specified, to wit:

John P. O'Neill, receiver .....	\$50,528 66
Joseph O. Tobias (business associate of Mr. O'Neill)..	22,400 00
Wingate & Cullen, attorneys.....	49,279 52
Cornelius D. Westbrook (brother of Judge Westbrook)	15,600 00
T. B. Westbrook (son of Judge Westbrook).....	500 00

Total ..... \$138,308 18

The names of T. B. Westbrook, the nephew of Judge Westbrook, and James O'Neill, son of the receiver, appear on the books for a time as general clerks; Mr. Edward Kearney, one of the bondsmen of Mr. O'Neill, is shown to have purchased an amount of property from the receiver at private sale, and Mr. McKenna, son-in-law of Mr. O'Neill, also appears as a purchaser of real estate from the receiver of the Continental company.

Cornelius D. Westbrook, brother of Judge Westbrook, was employed as accountant by Mr. O'Neill, June 1, 1877, at a salary of \$400 per month. In September, 1879, the salary was reduced to \$200 per month and has so remained since that time. Mr. Westbrook is evidently an expert accountant, but under the circumstances your committee question the propriety of the employment of Mr. Westbrook and consider the compensation very large for the services rendered.

Mr. Westbrook may have abilities which would command as large a salary elsewhere, but, in our opinion, the work to be done in this case did not require the employment of any person at \$400 per month.

In addition to the sum of \$49,279.52 received by Messrs. Wingate & Cullen for fees and disbursements, they obtained the amount of \$12,500 by the foreclosure of mortgages, making a total of \$61,779.52 with some disbursements not included.

Your committee have also ascertained that Messrs. Wingate & Cullen are counsel to the receiver of the Globe Life Insurance Company, and have been counsel to the receiver of the American Popular Life Insurance Company, from each of which insolvent corporations they have been drawing large fees for services. The large, and in some cases exorbitant, fees claimed by lawyers in the capacities of counsel, referees or intervenors, are among the most remarkable developments of this investigation.

In the appointment of Mr. O'Neill to such an important and difficult position, the question of the requisite qualifications appear to have been overlooked or disregarded by the court.

Mr. Kelly was moved by sympathy to take an interest in the appointment of Mr. O'Neill. Judge Westbrook, through personal or political friendship, appointed Mr. O'Neill receiver at the request of Mr. Kelly, supplemented apparently by the efforts of Judge Donahue and Messrs. Wingate and Cullen. That the appointment of Mr. O'Neill was a grave mistake is abundantly proven in the testimony taken by this committee. He possessed neither the executive

ability nor experience to fit him for such an arduous and intricate duty.

After an incumbency of several years, when examined by your committee, he displayed a pitiful want of knowledge of important matters in connection with his receivership, and was obliged to depend upon his counsel or subordinates to supply the information desired. His clerical assistants and legal counsel appear to have almost absolute control of the affairs of the receivership, and to direct them not so much in the interest of the policy holders as for the benefit of themselves and their friends. Mr. O'Neill is like clay in the hands of designing men, and apparently exists merely as a figurehead to serve the purposes of a host of attorneys, referees, intervenors and attachees, who are gradually absorbing the assets of the insolvent corporation, and who display very little desire to bring about a speedy and economical closing up of its affairs.

The appointment of such an obviously unfit person as Mr. O'Neill to the management of this important trust, and the continuance of such a protracted and wasteful administration of its affairs, is a very grave consideration; and after careful examination of the circumstances, your committee are forced to the conclusion that the responsibility rests with Judge Theodoric R. Westbrook of the supreme court.

The following is an extract from the testimony of Judge Westbrook:

Q. What, in your judgment, should be the qualification of a receiver of an insolvent life insurance company? A. First and above all he ought to be an honest man; second, he ought to be an intelligent man; and third, he ought to be an executive, pushing man; and lastly, if possible, although that is not so important, he ought to have a general knowledge of insurance.

Q. And what degree of care and responsibility ought a judge to exercise and assume in the appointment of such a receiver? A. He ought to satisfy himself, so far as he could, that the man possessed the qualifications I have spoken of.

Q. What is the legal and moral relation of the judge to the fund of the company? A. The legal relations of the judge to the fund, not the judge especially, but the court, is as the guardian of the fund which is administered through a receiver.

In the case of the Continental, neither in the appointment of the receiver, nor as the "guardian of the fund," does Judge Westbrook appear to have been governed by the sound principles which he himself testifies should govern the action of the court in cases of this kind; the evident incompetency of the present receiver, and the enormous expense attending the distribution of the fund prove the converse of the statement made by the witness to have been the fact.

That the qualifications of Mr. O'Neill do not coincide with the standard pictured by the honorable judge, is shown by the facts elicited during the investigation; and as an illustration of the manner

in which the court has discharged its duty as "guardian of the fund," we submit the following statement of allowances:

John P. O'Neill, receiver.....	\$50,528 66
Wingate & Cullen, counsel.....	49,279 52
Joseph O. Tobias, chief clerk.....	22,400 00
Cornelius D. Westbrook, accountant.....	15,600 00
William Allen Butler, referee.....	2,500 00
Morgan A. Dayton, ".....	500 00
Levi A. Fuller, ".....	200 00
T. B. Westbrook, ".....	500 00
Morgan A. Dayton, ".....	4,000 00
Charles H. Ruggles, ".....	53 00
Wm. A. Boyd, ".....	500 00
Charles H. Winfield ".....	2,500 00
Wm. A. Boyd, ".....	750 00
Henry J. Scudder, ".....	2,094 99
John A. Osborn, ".....	1,104 55
Barnes & Hanover, intervenors.....	1,556 87
R. J. Moses, Jr. ".....	6,765 13
Counsel in other States.....	13,849 07
Brann & Tomlinson, counsel for Attorney-General...	500 00
" " ".....	750 00
John J. Linston, ".....	500 00
Alton B. Parker, .....	5,049 56
	<hr/>
	\$ 181,281 35

The total expense of the receivership of Mr. O'Neill to March 1, 1882, is stated as follows:

Paid by orders of the court.....	\$128,130 02
Salaries paid to employees.....	57,141 65
For expenses .....	5,602 62
	<hr/>
	\$190,874 29

### *Expenditures and Dividends.*

Claims growing out of the receivership of John J. Anderson (estimated).....	\$50,000 00
Expenses of the receivership of Wm. R. Grace. . . .	63,424 97
" " " of John P. O'Neill.....	190,874 29
	<hr/>
Carried forward.....	\$304,299 26



Brought forward .....	\$304,299 26
In addition to the above the following estimate is furnished by the receiver of claims, not yet presented or in course of litigation:	
Wingate & Cullen counsel.....	\$15,000 00
Sherman W. Knevals, counsel for Attorney-General.....	3,500 00
Referees .....	600 00
Intervening counsel .....	20,000 00
	<hr/>
	39,100 00
Grand total.....	<hr/> <u>\$343,399 26</u>

The total amount of dividends paid to the policy-holders since the company became insolvent is \$710,299.92. The expenses accompanying the distribution of that amount have been over \$300,000.00, or about \$500 for every \$1,000 divided.

The committee feel a desire to review all the testimony given, yet there is much that cannot be reviewed for want of time, and, perhaps, much that cannot be profitably presented.

We examined with great care all the funds and securities of this company, and say with pleasure that Mr. Tobias accounted for everything in this direction, and exhibited great knowledge and familiarity with all parts of the trust. All moneys taken from the trust after the appointment of Mr. Grace seems to have been done under the forms of law. Order No. 15, as it is called, was granted by Judge Westbrook on the 26th day of January, 1878. It was an order permitting the receiver on each and every month, commencing on May 10, 1877, to draw \$600 on account of his fees as such receiver. It was made upon the petition of Mr. O'Neill, and his counsel made the application, and from that time until within a short time since, the receiver has continued to draw his \$600 every month, whether he was in Florida, Pennsylvania visiting friends, hunting upon the seaside, or in Europe viewing the wonders of the Old World.

It would seem to the committee that this order was an unjust one. It allowed that sum from May 10, 1877, and Mr. O'Neill never was in possession of the office he held until July 15, 1877, as shown by his receipt he gave Mr. Grace, and it will be seen that Mr. Tobias could not believe the truth of the matter when his attention was called to it. See extract from his testimony.

“Q. And then it goes back to the 10th of May, 1877? A. No, that cannot be so.

“Q. Yes, he is to begin to draw his fees at the rate of \$600 a month on the 10th day of May, 1877, and he was not appointed receiver until the 10th of July, 1877? A. He was appointed March 31, 1877, and began his duties July 10, 1877.

"Q. And he begins to draw his fees from May 10, 1877? A. No, that cannot be so, he only began to draw from the date of the order.

"Q. The dates show that to have been the fact; you look at the petition and see how that is? A. There was no drawing pay back of the time when his services began; I have the petition here upon which the order was granted allowing the receiver to draw \$600 a month.

"Q. Was there any other paper attached to that petition? A. No, sir.

"Q. What attorney made the application? A. Wingate & Cullen, the attorneys for the receiver.

"Q. Was it referred to anybody? A. No, sir.

"Q. Was notice given to any body? A. Yes, sir; notice was given to intervening attorneys and to the Attorney-General.

"Q. Was there any opposition? A. I think not.

"Q. Mr. O'Neill got possession of the office on the 10th day of July, did he not? A. Yes, sir.

"Q. Refer to the cash-books, showing what Mr. O'Neill had received? A. (Witness referring to the books) it is the 10th day of May.

"Q. You took possession the 10th of July, 1877, and on the 26th day of January, 1878, an order was made allowing him to draw money from May 10, 1877? A. Yes, sir.

"Q. When was the first money paid him? A. February 6, 1878, he was paid \$3,500 by an order dated January 26.

"Q. And that was from what time? A. It was from May 10, 1877.

"Q. Which was two months previous to the time of his appointment; how is it that he began to draw his pay two months in advance of the time of his appointment? A. Because he was paid in accordance with the order.

"Q. But how came the order to be made in that way? A. I do not know; I did not make the order.

"Q. But the order is made in accordance with the petition, is it not? A. Yes, sir."

The direct effect of the order was to tempt the receiver to prolong his trust and that he has taken advantage of the same will be seen in the long time he has taken to wind up the affairs of which he had charge. That he is poor is conceded by all or was so at the time of his appointment. This is not to be taken in any sense to his dishonor but it must be conceded that a poor man with a large family depending upon him for support and maintenance and whose law practice was entirely gone, even though honest and upright in his own consciousness, might be tempted to and the tendency would be to continue his trust in his possession longer than otherwise would be done. We think this has been the direct effect upon Mr. O'Neill, of the granting of the order, and we cannot think it was wisely made.



Order No. 26 was granted by Judge Westbrook on the 5th day of August, 1878, and was made upon the report of T. B. Westbrook, a son of the judge, and fixed the compensation of the attorneys, Messrs. Wingate & Cullen, and also the receiver. The application was made upon the petition of Mr. O'Neill, through his attorneys, and the same was referred to said T. B. Westbrook who immediately held court in his own office at Kingston one day, and the two days after held court in the Continental office in N. Y. The work at New York consisted in examining vouchers and pages which were stamped as in evidence. A brief report was made and Judge Westbrook made an order without notice being given to any of the counsel except John J. Lintean, who appeared for the Attorney-General, allowing to the receiver as his commissions the sum of five per cent upon the amount of money received, disbursed, and held by him, and also allowing the said Messrs. Wingate & Cullen this disbursement, together with the further sum of \$39,300, the amount of their bill, which purported to be attached and certified to as reasonable and correct, and the receiver was also authorized and directed to pay the expenses of the reference, to wit: to the reference, T. B. Westbrook, \$500, and to the representative of the Attorney-General, the sum of \$500. We will quote from Mr. Tobias' testimony what he said about this order that it may be made clear:

Q. How long was the hearing? A. One day, and two days were consumed in examining vouchers, which were all passed upon separately and marked and stamped.

Q. Where was that done, that part of it? A. That was done here.

Q. Did he come here. A. Yes, sir.

Q. How were they stamped? A. With a stamp like what Mr. Scudder used.

Q. Was that done before giving the decision? A. Yes, sir; of course.

Q. He made up his report afterwards? A. Yes, sir; I think he did.

Q. Where did this gentleman have his office at this time in Kingston—was it the rooms adjoining the judge's chambers where he held the hearing? A. No, sir; he was at his office in Kingston.

Q. Were you present? A. Yes, sir; and I will explain here that there were \$10,000 disbursements or allowances which were provided for in this report that were not paid, so that it really should be \$29,000 instead of \$39,000 to Wingate & Cullen.

Q. How is that—explain what you mean? A. There was a question in regard to the disbursements claimed by Wingate & Cullen. The receiver disputed the amount they claimed they were entitled to, and they said very well, wait until you are better satisfied, or until the claim can be more satisfactorily established.

Q. Was it an error in the bill? A. No, sir.

Q. Did they think they had got too much? A. No, sir.

Q. How did they come to give it back? A. They gave it back because the receiver demanded it.

Q. After having been allowed it by the referee? A. Yes, sir; they said they did not want any controversy about it.

Q. Only a small matter of \$10,000? A. I suppose they claim they are entitled to it, but wanted first to satisfy the referee they were entitled to it.

Q. At what time were their services rendered for which they were allowed \$39,000? A. From July, 1877, to August, 1878.

Q. A little over a year? A. Yes, sir.

Q. The receiver's compensation was fixed by a prior order at \$600 a month? A. Yes, sir; he was allowed to draw on account of his compensation at the rate of \$600 per month, but he never draws up to his five per cent, because his five per cent has amounted to more than that.

Q. Who appointed the referee? A. Judge Westbrook appointed him.

Q. Upon whose application? A. Upon the application of Wingate & Cullen.

Q. The judge appointed his own son as referee and then allowed him \$500 for his services? A. Yes, sir.

Q. You say there have been \$34,800 paid to the receiver up to the present time? A. Yes, sir.

Q. He has already received that amount? A. Yes, sir.

Q. What order was that granted by? A. Order No. 15.

Q. He has already received up to this time \$34,800? A. Yes, sir; that is, of course, on account of his compensation at the rate of five per cent.

Q. What balance is there to-day due him? A. I may say he has already received in addition to that under order 26, I think it is the sum of \$17,528.66, which should be added to the \$34,800, and that makes up the money the receiver has received.

Q. How much is still due him? A. I should have to make a computation.

Q. Do you mean to say he drew under both these orders at the same time? A. No, sir; of course he does not.

Q. Then explain what you mean? A. When this order was first made the \$600 per month was deducted from the amount coming to him on account of his compensation at the rate of five per cent, that is to say, he never having drawn the whole five per cent, there is a balance due him.

Q. This is the order that Mr. Scudder condemns in his report? A. Yes, sir; and, therefore, his order has not been confirmed.

Q. Mr. Scudder recommended that it should be an annual compensation? A. Yes, sir.

Q. Do you know how many days referee Westbrook was engaged in the reference? A. Three days.

Q. For which he got \$500? A. Yes, sir.

Judge Westbrook's attention was called to this order, when he was before us, and he stated it should have been upon notice to all

parties who were entitled to appear in the matter, and yet the order recites, that no notice was given to any one except the special counsel of the Attorney-General, and Mr. Wingate or Cullen testified that it was made without notice to other parties. We certainly think, that it was a very strange proceeding to allow this order to have been made without notice to all parties interested if it was an honest order. We think the sum allowed Messrs. Wingate & Cullen was in no manner earned at that time—that the allowance was extravagant and that *the withdrawal of these funds from this trust, was a wanton misappropriation of the fund in the hands of Mr. O'Neill, the receiver.*

Order No. 16, made by Judge Westbrook, allowing John H. Mooney \$2,000 for services as accountant, dated February 1, 1878, is one of the lax and loose transactions in the settlement of this trust. Mr. Mooney was commissioner of accounts in New York city, and drawing a salary of \$3,000 per year, and was employed, as Mr. Tobias testified, by Mr. O'Neill, as a special accountant when he first took possession of the trust, and at the same time Col. Westbrook and Mr. Tobias were engaged in the office, and the petition to the court did not set forth any detailed statement of his work whatever, or what work he did, but all the statements therein was general, to which was attached the affidavit of Henry J. Cullen. Wingate & Cullen put in an answer for O'Neill admitting the same, but submitting the amount of compensation to the court, and the court made the above order and the money was paid.

Henry J. Scudder, a referee appointed to pass upon the accounts of Mr. O'Neill, reported that Mr. Mooney's services "should be paid by the receiver out of his salary, and not charged upon the fund for the reason that his engagement was uncalled for and superfluous."

It is proper to remark, that Mr. Scudder was appointed to pass Mr. O'Neill's accounts to January 1, 1880, and he was directed to investigate what sum should be allowed the counsel of the receiver for fees, etc.; and it was upon this reference that Mr. Francis N. Bangs was called in to examine the account presented by Messrs. Wingate & Cullen, and was engaged by the hour for sixteen hours and forty-five minutes in examining the account and giving testimony, and the court allowed him \$251.25. The evidence he gave was largely based on the testimony that Wingate & Cullen had given.

November 30, 1881, Mr. Scudder made his report and exceptions were filed to the same, and motion was made for confirmation, but the matter is yet held for deliberation by Judge Westbrook. Mr. Scudder reported as follows in reference to Mr. O'Neill's services:

"Receiverships are for the protection of funds, not the generation of annuities to their occupants, and with the rule I have intimated as my guide, and the most careful consideration of the testimony, I am of opinion that there should be allowed to Mr. O'Neill, as compensation as receiver herein, beside his necessary and legal disbursements, the sum of \$7,500 per annum for the first two years of his receivership, and the sum of \$6,500 per annum for the ensuing two

years, and thereafter such compensation as the court may then determine to be just."

It is not for us to say what compensation he should be paid, but we believe it should be commensurate with his ability to render service to the trust.

The time yet required to close up the receivership of the Continental Life Insurance Company is variously estimated from eight months to two years, and if the present rate of expenses continues, it will probably require \$100,000 additional to defray the same. In the opinion of your committee the affairs of the receivership can be closed at an early day, and the best interests of the trust call for prompt and energetic action in that direction.

The history of this trust and its management in the hands of the several receivers who have had charge of it, is fully set forth in the volume of nearly seven hundred pages of testimony which accompanies this report.

The administration of Mr. Anderson does not present a favorable aspect. The circumstances of his appointment, and his connection with the parties whose bad management and dishonesty brought destruction upon the company, gave rise to suspicions which the testimony has failed to dispel.

The administration of Mr. Grace might have been conducted on business principles had his appointment been made permanent, and a far better result attained for the policy-holders. The committee are not able to discover any reason, taking the condition of things as then exhibited and then understood by Judge Westbrook and all parties concerned, why Mr. Grace was not appointed and continued as receiver, instead of appointing Mr. O'Neill. We do not say it would have been a wise appointment, but if there had been a desire to hasten the winding up of the affairs of this large trust, and to have saved expense, there certainly should not have been any change unless it was for the purpose of getting a better trustee, and we do not think it can be justly said that Mr. O'Neill was a more fit man for the place than Mr. Grace, judging from the then existing circumstances.

Mr. O'Neill appears to have confided the entire management of the trust to his chief clerk, Mr. Joseph O. Tobias, and also to his attorneys, Messrs. Wingate & Cullen. A careful review of the testimony convinces your committee that a just regard for the honor of the legal profession and a full conception of their duty toward this important trust, would have urged Messrs. Wingate & Cullen to save to the fund large sums of money which were diverted into immense fees and unwarranted salaries; and as they have had almost absolute control over the receiver, it would seem that they ought to have hastened the closing up of the affairs of this unfortunate corporation.

ALFRED C. CHAPIN, *Chairman.*  
THOS. V. WELCH.,  
JAMES HAGGERTY,  
B. F. BAKER,  
GEO. Z. ERWIN.





# STATE OF NEW YORK.

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No. 122.

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## IN ASSEMBLY,

MAY 25, 1882.

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### REPORT

#### OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Browne, from the sub-committee of the whole, to which was referred Assembly bill, G. O. 732, printed No. 757, entitled "An act to authorize the superintendent of public works to construct an iron foot bridge over the Champlain canal in the village of Whitehall, Washington county, New York, and to make an appropriation therefor," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

#### *For the Affirmative.*

Browne,	M. R. Jones,	Benediot,	
Cock,	Scott,	Erwin,	
Sweet,	McCarren,	Noyes.	10
Van Dusen,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 713, printed No. 782, entitled "An act to further amend chapter 37 of the Laws of 1848, being an act entitled 'An act to authorize the formation of gas-light compamies,'" reported in favor of the passage of the same, with amendments, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. Section 3 of chapter 311 of the Laws of 1881, entitled "An act to amend chapter 374 of the Laws of 1872, entitled 'An act to amend the act entitled 'An act to authorize the formation of gas-light companies,'" is hereby amended so as to read as follows:

§ 3. The stock property and concerns of said companies shall be managed by not less than three nor more than thirteen trustees or directors who shall respectively be stockholders of such company,

three-fourths of whom shall be citizens of the United States of America, who shall except the first year or as hereafter provided be annually elected by the stockholders, at such time and place as shall be directed by the by-laws of the company, and public notice of the time and place of holding such election shall be published not less than ten days previous thereto, in the newspaper printed nearest to the place where the operations of the said company shall be carried on, and the election shall be made by such of the stockholders as shall attend for that purpose either in person or by proxy, all elections shall be by ballot, and such stockholder shall be entitled to as many votes as he owns shares of stock in the said company, and the persons receiving the greatest number of votes shall be trustees or directors, and when any vacancy shall happen among the trustees or directors, by death, resignation or otherwise it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of the said company. The number of trustees or directors in any such corporation organized before or since the 25th day of April, 1872, or which shall hereafter be organized under said act, may be increased to not more than thirteen as follows: The existing trustees or directors of any such corporation or a majority of them shall make and sign a certificate, declaring how many trustees or directors the corporation shall have in the future management of its business, and stating the names of the new or additional trustees or directors, which certificate shall be acknowledged by the trustees or directors signing the same, or proved by a subscribing witness, and shall be filed in the office of the clerk of the county where the original certificate of incorporation was filed, and a duplicate or transcript thereof, duly certified under the official seal of such clerk, filed in the office of the secretary of State, and from and after the filing of such certificate and duplicate, or transcript, the trustees or directors of such corporation shall be deemed increased to the number of thirteen stated, and the persons so named therein shall be trustees or directors until a new election of trustees or directors shall be had according to the said act and the by-laws or regulations of such corporations. Every corporation heretofore organized or which shall be hereafter organized for the manufacture of gas for fuel and other purposes, under chapter 40 of the Laws of 1848, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," and all or any amendments of the same, shall have and possess all the rights, powers and privileges which are conferred upon companies formed under the act entitled "An act to authorize the formation of gas-light companies," passed February 16, 1848, and all amendments of the same, and shall be entitled to the benefits of all acts passed subsequent to February 16, 1848, for the protection of companies formed under said act entitled "An act to authorize the formation of gas-light companies."

§ 2. This act shall take effect immediately.

Also amend the title so that it will read "An act to amend chapter 311 of the Laws of 1881, entitled 'An act to amend chapter 374 of the Laws of 1872, entitled 'An act to amend chapter — of the Laws of 1848, entitled 'An act to authorize the formation of gas-light companies.'"

Said bill was ordered reported by the following vote:



*For the Affirmative.*

Browne, McClelland, Cock, Sweet, Van Dusen,	Scott, McCarren, Benedict, Erwin,	Ross, Beers, Noyes, Page.	13
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 701, printed No. 711, entitled "An act to authorize the superintendent of public works to examine and audit the claim of the town of Vestal, in Broome county, for plank-ing and filling up canal bridges in the highways of said town and providing for the payment thereof by the State," reported in favor of the passage of the same, with amendments, as follows:

Section one, lines seven and eight, strike out the words "and audit the amount of the same," and insert "audit and pay the same to the order of the commissioners of highways of said town"; strike out section two, and insert as section two as follows: The sum of \$220.75, or so much thereof as shall be necessary, is hereby appropriated out of the revenues of the canals for the fiscal year, ending September 30, 1882, to pay the amount which may be audited under this act.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, Cock, Sweet, Van Dusen,	M. R. Jones, Scott, McCarren, Benedict,	Erwin, Noyes, Page.	11
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 572, printed No. 636, entitled "An act to amend chapter 492 of the Laws of 1881, entitled 'An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the several acts relating to public instruction,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Cock, Van Dusen,	McCarren, Benedict, Erwin, Ross,	Beers, Noyes, Page.	11
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 416, printed No. 457, entitled "An act in relation to Fulton street in the city of Brooklyn," reported in favor of the passage of the same, with amendments, as follows:

Section one, line two, after the word "Fulton," insert "or Myrtle"; line three, after "Brooklyn," insert "nor on Hudson avenue between

Tillany street and Fulton street"; add [at the end of line four, the words " Myrtle avenue and Hudson avenue"; amend the title by inserting after the word "street," "Myrtle and Hudson avenues."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
Cock,	McCarren,	Beers,	
Sweet,	Benedict,	Noyes,	
Van Dusen,	Erwin,	Page.	12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 630, printed No. 678, entitled "An act to authorize the comptroller of the State of New York to sell a judgment obtained by the loan commissioners of Delaware county against David Horton," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Van Dusen.	Ross,	
McClelland,	Scott,	Beers,	
Cock,	McCarren,	Noyes.	11
Sweet,	Erwin,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 729, printed No. 755, entitled "An act to amend article 5, section 40 of chapter 280 of the Laws of 1847, entitled "An act in relation to the judiciary," passed May 12, 1847," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Van Dusen,	Benedict,	
Cock,	M. R. Jones,	Ross,	
Sweet,	McCarren,	Noyes.	9

*For the Negative.*

Scott,	Beers,	Page.	4
Erwin,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 673, printed No. 689, entitled "An act to abolish the office of railroad commissioners in and for the town of Morristown, in the county of St. Lawrence, and to confer the powers and duties of said commissioners upon the supervisor of said town," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, Cock, Sweet, Van Dusen,	Scott, McCarren, Benedict, Erwin,	Ross, Beers, Noyes, Page.	12
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 722, printed No. 751, entitled "An act to amend part 2, chapter 1, title 2, article 2, section 55, of the Revised Statutes," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, Cock, Sweet, Van Dusen,	Scott, Welch, McCarren Benedict,	Ross, Beers, Noyes, Page.	12
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 683, printed No. 698, entitled "An act to secure a better administration of the laws relating to buildings and for the prevention and extinguishment of fires in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, Cock, Sweet, Van Dusen,	Scott, McCarren, Erwin, Ross,	Beers, Noyes, Page.	11
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*For the Negative.*

Benedict.	1
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 632, printed No. 692, entitled "An act to amend chapter 859 of the Laws of 1871, entitled 'An act to provide for the election of certain judicial and other officers and to fix their terms of office,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, McOlelland, Cock, Sweet,	Van Dusen, Scott, McCarren, Erwin,	Ross, Beers, Noyes.	11
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 686, printed No. 701, entitled "An act to amend chapter 370 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the city of Elmira,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Ross,	
McClelland,	Scott,	Beers,	
Cock,	McCarren,	Noyes,	
Sweet,	Benedict,	Page.	14
Van Dusen,	Erwin,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 714, printed No. 734, entitled "An act to amend chapter 623 of the Laws of 1881, entitled 'An act to incorporate the New York Storage and Security Company,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	McCarren,	Noyes,	
Cock,	Erwin,	Page.	10
Van Dusen,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 380, printed No. 417, entitled "An act for the better protection of the public health in the city of Brooklyn," reported in favor of the passage of the same, with amendments, as follows:

Insert in lieu of section two, as follows:

The said board of health shall prohibit in said city the business of bone grinding, bone crushing, bone boiling, fat rendering, gut cleaning, skinning or making of glue, from any dead animals, or parts thereof, or the mixing or manufacture of chemical manures, without the consent of two-thirds of the property holders within a radius of 1,000 feet from such business, said consent to be in writing, and filed with said board of health, and said board shall prohibit in said city any business or practice which said board of health shall declare to be detrimental or dangerous to public health.

Also change section two to section three.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

McClelland,	M. R. Jones,	Erwin,	
Cock,	McCarren,	Beers,	
Van Dusen,	Benedict,	Page.	9

*For the Negative.*

Scott,	Ross,	Noyes.	3
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 512, printed No. 577, entitled "An act to protect the people against the circulation of false or fraudulent statements designed to affect the market price of stocks, bonds or merchandise," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, McClelland, Cock,	Sweet, Van Dusen, M. R. Jones,	McCarren, Benedict, Ross.	9
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*For the Negative.*

Scott, Erwin,	Noyes,	Page.	4
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 604, printed No. 660, entitled "An act to provide for the grading and paving of Dwight street, from Delavan street to Elizabeth street in the city of Brooklyn," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, McClelland, Sweet,	M. R. Jones, McCarren, Benedict,	Erwin, Ross, Beers.	9
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*For the Negative.*

Page.	1
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 622, printed No. 673, entitled "An act to amend chapter 258 of the Laws of 1864, entitled 'An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne, Cock, Sweet,	Van Dusen, Scott, McCarren,	Benedict, Erwin, Noyes.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 526, printed No. 587, entitled "An act to amend chapter one hundred and seventy-eight of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to

bets, wagers and pools," reported in favor of the passage of the same, with amendments as follows:

Section 1, line 6, strike out "a" and insert "any turf club incorporated prior to April 5, 1882, and associations for the purpose of breeding or improving live stock, and."

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Cock, Sweet,	Van Dusen, Scott, McCarren,	Benedict, Erwin, Noyes,	10
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 688, printed No. 703, entitled "An act to regulate the leasing of real estate by the mayor, aldermen and commonalty of the city of New York, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Cock,	Sweet, Van Dusen, McCarren,	Benedict, Erwin, Noyes.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 178, printed No. 218, entitled "An act to amend chapter four hundred and sixty-six of the Laws of eighteen hundred and seventy-seven, entitled "An act in relation to assignments of the estates of debtors for the benefit of creditors," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Cock,	Van Dusen, Morrison, McCarren,	Benedict, Erwin, Noyes.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 723, printed No. 752, entitled "An act to permit the election of town commissioners in the several towns in this State, bonded in aid of railroads," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Cock,	Sweet, Van Dusen, Morrison,	McCarren, Benedict, Ross.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 766, printed No. 789, entitled "An act to authorize and require the comptroller of the State to settle with the treasurer of the county of Herkimer, in relation to certain non-resident taxes," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	M. R. Jones, 11	Erwin,	
McClelland,	Scott,	Ross,	
Cock,	Welch,	Beers,	
Sweet,	Morrison.	Noyes,	
Van Dusen,	McCarren,	Page.	15

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 555, printed No. 100, entitled "An act to amend the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	M. R. Jones,	Ross,	
McClelland,	McCarren,	Beers,	
Cock,	Benedict,	Noyes,	
Sweet,	Erwin,	Page.	13
Van Dusen,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 789, printed No. 286, entitled "An act to amend the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Van Dusen,	Ross,	
McClelland,	M. R. Jones,	Beers,	
Cock,	McCarren,	Noyes,	
Sweet,	Benedict,	Page.	12

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 637, printed No. 84, entitled "An act to amend the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	M. R. Jones,	Erwin,	
Cock,	Scott,	Beers,	
Sweet,	McCarren,	Noyes,	
Van Dusen,	Benedict,	Page.	12





# STATE OF NEW YORK.

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No. 123.

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## IN ASSEMBLY,

MAY 25, 1882.

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### REPORT

OF SPECIAL COMMITTEE IN THE MATTER OF THE ERASURE OF THE SPEAKER'S NAME FROM ASSEMBLY BILL No. 143.

*To the Assembly :*

Your committee under resolutions of the assembly adopted April twenty-eighth, and May fourth, to investigate and report as to the erasure of the Speaker's name from assembly bill No. 143, "An act to protect primary elections and conventions of political parties, and to punish offenses committed thereat," and as to whether assembly bill No. 431, "An act to amend chapter three hundred and five of the laws of eighteen hundred and seventy-eight, entitled 'An act to provide for a police commission in the town of New Lots, Kings county, and to establish a police force therein,'" had passed the assembly, respectfully report:

That, pursuant to such resolutions, they have subpoenaed before them numerous witnesses, and have taken their evidence, and have made a careful examination and inquiry into the rules and procedure at the clerk's desk and the passage and care of bills and other legislative matters thereat, that a possible clue might be obtained as to the person that erased the name, and a valid reason shown for the incorrectness of the assembly journal, if the bill referred to us had passed the assembly.

The investigation proves conclusively that the name of the speaker was erased from assembly bill No. 143, and the erasure is clearly apparent to any one on an examination of the bill. The evidence taken shows that this bill passed the assembly April twenty-fifth, with amendments [that made it a local bill and applied alone in its provisions to Kings county. It was sent to the engrossing room after its passage for re-engrossment and was returned to the clerk's desk the following day, when it was presented to the speaker and received his signature. It was carried to the senate April twenty-seventh with four other assembly bills and two senate bills,

none of which were of any particular importance as measures. Within three minutes after its receipt at the clerk's desk in the senate it was taken up by the proper person for examination and record, and the absence of the speaker's name discovered. It was returned to the assembly the following day with a request that the speaker's name be affixed, when the erasure was discovered. The object or reason for this bungling act is beyond the conception of your committee to determine. The bill was not seriously opposed on its passage in the assembly. The bills that were beside assembly bill No. 143 in the index clerk's closet, and which accompanied it to the senate were of such an unimportant character as to preclude any inference on our part that the erasure was intended for any of them. The bill was undoubtedly tampered with intentionally during the hours between the afternoon of April twenty-sixth and the morning of April twenty-seventh, and the act was performed by some person unknown to us, and obtained the bill surreptitiously from the bill closet of the index clerk.

That clerk testifies that he has but a single key to his bill closet, and that he knows of no other key to it.

The committee learned from witnesses that persons in the employ of the construction department of the capitol possess duplicate keys or blank for each room, desk and drawer in the capitol, and these persons, under a system that makes no accurate record of applications for duplicate keys, furnish such to persons applying for the same. The investigation also discloses that the committee of the whole was discharged from the further consideration of assembly bill No. 431, by resolution on April fourteenth, and the bill was ordered to a third reading. The bill was delivered to the committee on engrossed bills from the engrossing room on April eighteenth and the index clerk's books and the indorsement of the clerk on the "jacket" of the bill shows that the bill passed the assembly April nineteenth. The journal of the assembly has no record of such passage. The bill was sent to the senate April twentieth, and was returned with amendments May second and the amendments concurred in by the assembly.

Your committee will not undertake to state as to the motives of the person or persons that erased the speaker's name or to judge as to the passage of this bill through the clerk's desk without a roll call if such was the case. The record of its passage is regular in all else except the assembly journal, and its passage on its return from the senate without opposition is fully recorded.

All the facts connected with these bills and the results of an examination in connection therewith call our attention to possibilities which are dangerous in the extreme. We have not learned that the present rules and practices around the clerk's desk are less stringent than in the past, but we conclude that it is possible for interested and evil-disposed persons to enter the clerk's desk and engrossing room during the absence of the responsible heads of these departments, either by day or night, and manipulate or extract bills therefrom, and defeat the action of the legislature. We do not conclude that this dangerous opportunity is more easily possible now than heretofore, but we recognize the fact that it is more probable as the necessities for

the defeat of important measures grow apace with the growth of corporate and political necessities.

The index clerk's bill closet is of such a size and weight as to be easily carried off entirely with its contents by a single person, and the drawers of the clerk's desk and engrossing room containing at times one to two hundred bills in the order of third reading are open to full opportunity day or night to be opened by false keys, thus affording a certain method of defeating legislative action at this stage of the session by the abstraction or alteration of bills or their delay by a change of reading number.

We find that the books of the index clerk are left open to public inspection on the desk at all times, and it is the practice of persons known to represent corporate and personal interests to visit the assembly chamber nights and order the chamber lit up and then proceed to examine these books, and other papers in the clerk's desk. This custom should be done away with, as it affords full opportunity to make these records agree, by false entries of the passage, amendments or recommitment of bills.

There also prevails, through custom and courtesy, at the clerk's desk a system which accords to the introducer of a bill the privilege of laying aside on his order; not make in the assembly, either in the engrossing room or at the clerk's desk his own bills, thus rendering liable their certain defeat without the knowledge of the house. This is a dangerous privilege, as it may encourage the introduction of bills for a purpose other than the public good, and of local measures afford an opportunity to bargain for their defeat. We believe the clerk of the assembly has during this session shown an anxiety to protect himself against the evils here referred to, and has adopted measures to prevent them. Nevertheless they have occurred, and the statute bearing on this subject, and the rules of the assembly are inadequate to prevent them when determined upon.

If honesty, capacity and adaptation for the work proposed should constitute the rule of appointment in the offices of the assembly there would be no need of additional enactments or rules as safeguards, but we believe that such is not the case at all times.

Throughout our investigation we have been greatly aided by the clerk and his assistants, and they have expressed an anxiety for the adoption of additional safeguards, whereby greater security and fuller personal responsibility will be directly imposed.

We conclude that such legislation as will apportion and systematize the work and give a more direct responsibility for the safety of all papers, records and bills as they pass through the clerk's desk, the engrossing room and the index clerk's hands is a necessity, and to that end recommend:

*First.* That a safe be provided for the clerk's desk with separate apartments, one each for the clerk, the index clerk and the chief engrossing clerk.

*Second.* That one of the engrossing clerks shall be designated at the time of his appointment as the chief engrossing clerk, that he shall be furnished with a book by the clerk in which he shall keep a record of every bill received by him for engrossment, its number, its title, to whom it is given for engrossment, and on its delivery to the committee on engrossed bills, shall take a receipt for the same.

*Third.* That a clerk shall be appointed to the committee on engrossed bills.

*Fourth.* That one of the regular messengers of the assembly shall be designated by the speaker at the time of his appointment, as messenger to the index clerk, and as such to assist at that desk in receiving and delivering bills and papers to the engrossing room, the senate and the executive.

*Fifth.* That the assembly chamber, the clerk's rooms and the committee rooms of the assembly, and the keys thereof be placed in the sole charge of the clerk of the assembly.

*Sixth.* That a copy of the daily journals of the assembly be made during each session for the use of the press, the public and the printer, and that the journal be printed daily and be placed on the file of members of the house.

*Seventh.* That a list of the bills on the order of third reading, to the number of sixty daily, be printed and laid on the desk of each member of the house.

All of which is respectfully submitted,

THOS. E. BENEDICT,  
T. G. ALVORD,  
TOWNSEND D. COCK,  
J. HAMPDEN ROBB,  
ISAAC L. HUNT, JR.

ALBANY, *May* 25, 1882.

# STATE OF NEW YORK.

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No. 124.

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## IN ASSEMBLY,

MAY 26, 1882.

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### REPORT

#### OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 510, printed No. 575, entitled "An act to incorporate the Produce Warehousing and Security Company," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

#### *For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Cock,	McCarren,	Noyes,	
Sweet,	Erwin,	Page.	13
Van Dusen,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 268, printed No. 311, entitled "An act to amend chapter 467, of the Laws of 1879, being an act to amend chapter 459 of the Laws of 1877, entitled 'An act in relation to the salaries, fees, percentages and allowances of the officers of the city of Brooklyn,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

#### *For the Affirmative.*

Browne,	Van Dusen,	Ross,	
McClelland,	Morrison,	Beers,	
Cock,	McCarren,	Noyes,	
Sweet,	Erwin,	Page.	12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 735, printed No. 759, entitled "An act in relation to the construction of sewers in the city of Schenectady, and to authorize the common Council of such city, to borrow money [Assem. Doc. No. 124.]

for that purpose," reported in favor of the passage of the same, with amendments as follows:

Strike out all after section 3, and insert in lieu thereof the following:

SECTION 4. John A. Barhydt, Charles G. Ellis, William H. Helmer, Walter McQueen and Garret S. Veeder, are hereby appointed sewer commissioners in and for said city, to hold their office until the first Tuesday in May, 1884, without compensation, and upon the expiration of their terms of office, their places shall be filled by persons duly elected at the annual school election for school commissioners held in the city of Schenectady, for the year 1884, at which time their terms of office will expire, which election shall be conducted in the following manner, that is to say, each elector may place upon a separate ballot, the name of one suitable person, to represent the ward in which he resides, who shall be a citizen of the United States of full age, and a free holder under the words, for sewer commissioner," and deposit the same in a separate box, to be provided for that purpose by the officers who shall preside at such school elections, and a separate poll list shall be kept of the persons voting for such commissioners; and the person having the greatest number of votes at such election shall be declared and deemed to be duly elected to represent said ward in said board of said sewer commissioners, and at every annual election thereafter, if the Common Council decide that the services of said board of commissioners are still needed; there shall be elected in the same manner one person from each ward to constitute said board of sewer commissioners. Such commissioners before entering upon the discharge of the duties of their office, shall take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the clerk of said county.

§ 5. Said commissioners shall appoint one of their body president, and some other person secretary of said board; they may fill all vacancies which may occur among their number by death, resignation or otherwise by appointing some suitable person or persons to fill such vacancy or vacancies, who shall hold their offices for the unexpired term of the persons whose places have thus become vacant.

§ 6. The said sewer commissioners may construct said sewers, make contracts for the construction thereof, and for the purchase of material and appliances therefor without causing any assessment to be made upon the property benefited thereby, notwithstanding any, and all provisions to the contrary which are contained in the charter of such or in any ordinance of the said Common Council.

§ 7. Before the construction of said sewers, it shall be the duty of the commissioners to submit a report and plan for sewerage to the Common Council for their approval; the said report to contain a full and distinct description of the plan adopted by them with their reasons and calculations for said estimates of said plan, and the expense thereof.

§ 8. The commissioner's names in this act shall have full power to employ engineers and experts before the adoption of any plan of sewerage, and to audit bills for the same subject to the approval of the Common Council.

§ 9. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 10. This act shall take effect immediately.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
McClelland,  
Cock,  
Sweet,  
Van Dusen,

Scott,  
Morrison,  
Mc Carren,  
Erwin,

Ross,  
Beers,  
Noyes,  
Page.

13

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 771, printed No. 790, entitled "An act to amend chapter four hundred and fifteen of the Laws of eighteen hundred and seventy-six, being an act entitled "An act supplementary to chapter seven hundred and thirty-seven, Laws of eighteen hundred and seventy-three, entitled 'An act in relation to the creation of water-works companies in towns and villages of the State of New York,' " reported in favor of the passage of the same, with an amendment as follows:

SECTION 1, line 2, after the word "seventy-six," insert, "entitled" An act supplementary to chapter 737 of the Laws of 1873, entitled "An act in relation to creation of water-works companies in towns and villages of the State of New York.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
McClelland,  
Sweet,  
Van Dusen,

Scott,  
Morrison,  
McCarren,  
Erwin,

Ross,  
Beers,  
Noyes,  
Page.

12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 795, printed No. 813, entitled "An act to amend chapter four hundred and eighty-four of the Laws of eighteen hundred and seventy-nine, entitled "An act for the relief of Warren S. Sillcocks, Joshua S. Cooly and Thomas Kirkpatrick," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
McClelland,  
Cock,  
Sweet,  
Van Dusen,

Scott,  
Morrison,  
McCarren,  
Erwin,

Ross,  
Beers,  
Noyes,  
Page.

13

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 736, printed No. 760, entitled "An act



to supply the city of Schenectady with water," reported in favor of the passage of the same without amendment.

Said report was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Cock,	McCarren,	Noyes,	
Van Dusen,	Erwin,	Page.	12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 364, printed No. 405, entitled "An act to re-appropriate the moneys appropriated by chapter 252 of the Laws of 1880, entitled 'An act to provide for the construction of fishways in the State dams across the Oswego, Oneida and Seneca rivers,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Cock,	McCarren,	Noyes,	
Sweet,	Erwin,	Page.	13
Van Dusen,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 765, printed No. 788, entitled "An act to further amend chapter 365 of the Laws of 1871, entitled 'An act to incorporate the New York Cotton Exchange,' as amended by chapter 228 of the Laws of 1880, entitled 'An act to amend chapter 365 of the Laws of 1871, entitled 'An act to incorporate the New York Cotton Exchange,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Cock,	McCarren,	Noyes,	
Sweet,	Erwin,	Page.	13
Van Dusen,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 548, printed No. 614, entitled "An act to amend chapter 361 of the Laws of 1867, entitled 'An act authorizing supplementary proceedings for the collection of taxes, as amended by chapter 640 of the Laws of 1881,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:



*For the Affirmative.*

Browne,	M. R. Jones,	Ross,	
McClelland,	Morrison,	Beers,	
Cock,	McCarren,	Noyes,	
Sweet,	Erwin,	Page.	12

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 458, printed No. 518, entitled "An act to pension teachers, tutors, assistant professors, or full professors, in the public schools and the college of the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Van Dusen,	Ross,	
McClelland,	Morrison,	Beers,	
Sweet,	McCarren,	Noyes	9

*For the Negative.*

Erwin,	Page.	2
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 243, printed No. 282, entitled "An act to provide for the imprisonment in the State prison nearest the place of conviction of persons convicted of murder in the first degree, and for their execution," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Van Dusen,	Ross,	
McClelland,	Scott,	Beers,	
Sweet,	McCarren,	Page.	9

*For the Negative.*

Morrison,	Erwin,	Noyes.	3
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 784, printed No. 821, entitled "An act to amend chapter 397 of the Laws of 1879, entitled 'An act to provide for the laying of telegraph wires under ground' as amended by chapter 483 of the Laws of 1881," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,	Morrison,	Ross,	
Sweet,	McCarren,	Noyes,	
M. R. Jones,	Erwin,	Page.	10
Scott,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 798, printed No. 814, entitled "An act to further provide against loss of life by fire," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, Sweet, Van Dusen, Scott,	Morrison, McCarren, Erwin,	Ross, Noyes, Page.	10
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 743, printed No. 783, entitled "An act providing for the better laying out and improving that portion of the city of New York lying between Centre street at its junction with Chatham street near to the entrance to the Brooklyn bridge on the south and Great Jones street on the north," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Cock,	Sweet, Van Dusen, Scott,	McCarren, Ross, Noyes.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 741, printed No. 775, entitled "An act to amend chapter 450 of the Laws of 1881, entitled 'An act to secure the registration of plumbers and the supervision of plumbing and drainage in the city of New York and Brooklyn,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Cock,	Sweet, Van Dusen, Scott,	McCarren, Benedict, Noyes.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 772, printed No. 791, entitled "An act further to amend chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn, and the various amendments thereof,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne, McClelland, Cock,	Van Dusen, Morrison, McCarren,	Benedict, Erwin, Noyes.	9
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Mr. Browne, from the sub-committee of the whole, to which was referred the Assembly bill, G. O. 405, printed No. 443, entitled "An act to amend chapter 436 of the Laws of 1880, entitled 'An act to establish a police department in the city of Buffalo, and to provide for the government thereof,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Van Dusen,	Morrison,	
McClelland,	M. R. Jones,	McCarren,	
Cock,	Welch,	Benedict.	10
Sweet,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, Int. No. 179, G. O. 821, entitled "An act to authorize the commissioners of highways of the town of Richfield, in the county of Otsego, to levy and assess upon the taxable property in said town the sum of \$250 for highway purposes," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Van Dusen,	Erwin,	
McClelland,	Scott,	Ross,	
Cock,	Morrison,	Noyes.	11
Sweet,	McCarren,		

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 803, printed No. 306, entitled "An act in relation to taxes in Long Island City, and to confirm, levy and collect the same," reported in favor of the passage of the same, with an amendment, as follows:

In section 15, line 13, engrossed bill, before the word "years," insert "500."

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,	Scott,	Ross,	
McClelland,	Morrison,	Beers,	
Cock,	McCarren,	Noyes,	
Sweet,	Erwin,	Page.	13
Van Dusen,			

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 633, printed No. 78, entitled "An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

*For the Affirmative.*

Browne,  
Sweet,  
Van Dusen,  
Scott,

Morrison,  
Benedict,  
Erwin,

Ross,  
Noyes,  
Page.

10

Mr. Browne, from the sub-committee of the whole, to which was referred the Senate bill, G. O. 818, printed No. 229, entitled "An act to amend section 3 of chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
McClelland,  
Cock,  
Van Dusen,

Morrison,  
Benedict,  
Erwin,

Ross,  
Beers,  
Noyes.

10

Mr. Browne, from the sub-committee of the whole, to which was referred Senate bill, G. O. 763, printed No. 63, entitled "An act to amend sections 21 and 23 of chapter 534 of the Laws of 1879, as amended by chapter 531 of the Laws of 1880, entitled 'An act for the preservation of moose, wild deer, birds, fish and other game,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
McClelland,  
Cock,  
Sweet,

Van Dusen,  
Scott,  
Morrison,

Erwin,  
Ross,  
Noyes.

10

Mr. Browne, from the sub-committee of the whole, to which was referred Senate bill, G. O. 449, printed No. 56, entitled "An act to further amend section 1 of chapter 311 of the Laws of 1864, as amended by chapter 680 of the Laws of 1872, in relation to wills," reported in favor of the passage of the same without amendment.

Said bill was ordered reported by the following vote:

*For the Affirmative.*

Browne,  
McClelland,  
Cock,  
Sweet,

Van Dusen,  
Scott,  
Morrison,

Erwin,  
Ross,  
Noyes.

10

# STATE OF NEW YORK.

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No. 125.

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## IN ASSEMBLY,

MAY 26, 1882.

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### REPORT

OF THE ATTORNEY-GENERAL TO CONCURRENT RESOLUTION RELATING TO BROOKLYN WATER-FRONT.

STATE OF NEW YORK,  
OFFICE OF THE ATTORNEY-GENERAL, }  
ALBANY, May 25, 1882. }

*To the Honorable, the Legislature of the the State of New York :*

I have the honor to reply herewith to the following joint resolution of the senate and assembly :

“ WHEREAS, Applications are now pending before the land commissioners of this State, made in behalf of certain corporations doing business in the city of Brooklyn, for the land under water, not only in front of their own property but also in front of the streets adjacent thereto, and

“ WHEREAS, If the said applications are granted that portion of the city of Brooklyn in which said land is situated will be practically debared from any commercial facilities, except such as the said corporations and their mercy may allow ; therefore be it

“ *Resolved*, If the senate concur, that this legislature send a respectful message to the land commissioners of this State, protesting against the injustice that is sought to be inflicted on the city of Brooklyn in this attempt to close her streets and prevent free ingress to and egress from her shores ; and be it further

“ *Resolved*, That the Attorney-General be and he is hereby respectfully requested to transmit to this legislature ; at the earliest possible date what, in his opinion is necessary to secure to Brooklyn those public commercial rights the third city in the Union should enjoy.

By order,

“ E. M. JOHNSON, *Clerk*.

“ In senate, April 26, 1882 : Concurred in without amendment.

“ By order,

“ JOHN. W. VROOMAN, *Clerk*.”

I understand by this resolution that my opinion is asked as to what steps can now be legally taken by the legislature to secure to the city of Brooklyn the control of her water-front and the use of the same for commercial purposes.

This inquiry resolves itself into another: What is the nature of the titles under which the occupants of the lands below high-water mark on the Brooklyn shore possess the same, and what rights have vested under them which interpose obstacles to the free exercise of authority by the legislature to sell or regulate the same for public commercial purpose.

Primarily speaking all lands under navigable waters within the limits of this State belong to it as the original owner of all lands within its domain, and as the ultimate source of all titles. The title to all lands under water in this country which, before the revolution was vested in the king became, upon the separation of the colonies, vested in the States within which they were situated; and the State legislatures may exercise the same powers which, previous to the revolution, could have been exercised by the king alone, or by him in conjunction with parliament, subject only to the restrictions imposed by the Constitution of the State and of the United States.

The legislature may, as the representatives of the people, grant the soil or confer an exclusive privilege in tide-water or authorize a use subject to the public right of navigation and the federal authority to regulate commerce. *People v. N. Y. & S. I. Ferry Co.*, 68 N. Y. 71.

It may be presumed at the outset, therefore, that as to so much of the lands under water adjoining the Brooklyn shore, as were never patented, or any franchise or privilege granted thereout by the town, through any of its agencies, the legislature is at liberty to confer upon the city of Brooklyn, such authority thereover, or inaugurate such system of wharfage in respect thereto, as it sees fit. All wharves or piers built upon State lands without authority are purprestures which may be removed at any time. *People v. Vanderbilt*, 26 N. Y. 287.

But of much of the Brooklyn water-front, the crown and afterward the State have, from time to time parted with the title, or some lesser power, franchise or interest.

In respect to the character of the privileges conferred and the rights which have thereby vested to the limitation of the powers of the legislature thereover, the titles of the occupants of the lands between high and low-water mark and the land under water on the Brooklyn shore, may be classified, generally, as follows:

1. Crown grants.— Not only do the boundary limits and the political jurisdiction of the city of New York extend to low-water mark on the Brooklyn shore throughout pretty much its whole extent but the mayor, aldermen and commonalty of that city were vested with the absolute ownership of the lands between high and low-water mark, from the Wallabout to Red Hook, under the Dongan and Montgomery charters, so called, long before the revolution;

various conveyances of these lands have been made by the city of New York to individuals, some by lease for terms of years, others by grant in fee.

2. Under the State organization numerous grants to riparian owners have been made from time to time by special acts of the legislature. Some of these grants have merely conferred authority to erect docks and wharves, and to collect wharfage for the use thereof; and have reserved the right to repeal or alter the privileges granted at any time. A few special acts purport to convey absolutely the fee to the land under water.

3. But the principal source of title to these water rights is by grant from the commissioners of the land office. The commissioners since 1835 have been authorized by statutes to make grants of lands under water surrounding Long Island, and of lands between high and low-water mark to the owners of the adjacent uplands for the purposes of commerce. It has been decided that subject only to the payment of the usual and lawful rates of wharfage, which the legislature has power from time to time to prescribe and alter, the public have a right to free and uninterrupted access to and use of all piers, wharves and bulkheads constructed under this authority; that the legislature, certainly as to all piers and wharves subsequently erected, may prescribe as to their manner of construction, character and use. *People v. N. Y. & S. I. Ferry Co., supra.*

4. By chapter 283 of the Laws of 1850, amending the Revised Statutes relative to the powers of the commissioners of the land office to make water grants, authority was conferred upon the commissioners to make grants of land under water to the owners of the adjacent upland, "for the purpose of the beneficial enjoyment of the same by the adjacent owner." Very few grants of this character have been made in the locality in question. As to any that may have been made I am of the opinion that so far as the State has power to convey an absolute fee, free from any public servitude, such is their effect.

What, therefore, is the power of the legislature over the lands under water and between high and low-water mark on the Brooklyn shore under these diverse tenures?

1. I am of opinion that in those cases where grants have been made by special act, reserving the power to alter or repeal at any time, no obstacle is interposed to the authority of the legislature to make such disposition of the land as it sees fit.

2. That in those cases where the State, either directly by the legislature or indirectly through the commissioners of the land office, has granted privileges to build docks and wharves and collect wharfage, the State has not thereby divested itself of the right to regulate the use of the granted premises in the interest of the public, and for the protection of commerce and navigation; but on the contrary possesses ample authority for that purpose. *People v. N. Y. & S. I. Ferry Co., supra*; *Heckers v. N. Y. Balance Dock Co., 24 Barb. 216*; *Hœft v. Seaman, 38 id. supra, 62.*

3. That in those cases where the crown by charter, the legislature



by special act, or the commissioners of the land office under the statute of 1850, have granted the fee to the adjacent upland owner, the title thus conferred, where the public rights on navigation are not interfered with, is absolute and indefeasible and can only be taken for public use upon due compensation. *Lansing v. Smith*, 4 Wend. 9; *Gould v. Hudson R. R. Co.*, 6 N. Y. 522; *People v. N. Y. & S. I. Co.*, *supra*.

4. That the legislature may authorize the extinction of all rights in the water-front of any kind for public, commercial and wharfage purposes, upon due compensation made.

As to the closing of the city streets running to the water by grantees of the lands under water at the foot thereof, owning the fee of the streets, which is complained of in the resolution, I am of opinion that none of the titles above recited, whether granted by the legislature or the commissioners of the land office, confer any legal right of this nature. The public easement in the streets extends to the right of free and uninterrupted access to the water highway, and the rights of the riparian owner, opposite to the public streets, extend no further than to the privilege of erecting wharves and piers, and the collection of wharfage for their use. *McMurry v. Mayor, etc., of Baltimore, Maryland Ct. App.*, 24 Alb. L. J. 476; *People v. Lambier*, 5 Denio, 9.

In the case last cited, which was decided by the Supreme Court in 1847, it was held that under a special act of the kind above noted conferring power upon riparian owners at Brooklyn to construct wharves in front of their land, "the filling up of the river in front of the street carried with it a necessary and legal extension of the street over the new made lands, and to shore of the river at the bulkhead."

It will be observed that I have, in this communication, only attempted in a general way to indicate the powers of the legislature, and the principal matters to be considered, in any attempt at systemizing and placing under proper supervision the wharfage system of Brooklyn. The details of any legislation that may be attempted and the form which it should take under the general limitations which I have expressed, are beyond the scope of the resolution, and are the proper province of the legislation itself.

All of which I have the honor to submit.

Very respectfully yours,

LESLIE W. RUSSELL,  
*Attorney-General.*



# STATE OF NEW YORK.

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No. 126.

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## IN ASSEMBLY,

MAY 27, 1882.

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### LIST OF GENERAL ORDERS.

#### REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and the Clerk, with the consent of the House, refer the following bills to the sub-committee of the whole:

No. 694, G. O. 677—Mr. Ballard:

An act to provide for the assessment of property in certain cases, and to regulate and equalize the same.

No. 830, G. O. 798—Mr. McDonough:

An act to amend chapter ninety-nine of the laws of eighteen hundred and seventy-nine, entitled "An act to reorganize the fire department and create a board of fire commissioners for the government of the same for the city of Cohoes."

No. 826, G. O. 796—Mr. Mitchell:

An act to provide a salary for the aldermen of Long Island City.

No. 827, G. O. 799—Mr. Mitchell:

An act to provide for the building of school-houses, station-houses and engine-houses in Long Island City.

No. 829, G. O. 801—Mr. McDonough:

An act to amend an act entitled "An act to provide for a supply of water in the village of Cohoes, passed April 12, 1856, and the acts amendatory of the same."

No. 831, G. O. 809—Mr. Fuller:

An act to define the duties of the New Capitol Commissioners under a contract with Thomas Torley.

No. 832, G. O. 810—Mr. Mitchell:

An act to amend chapter five hundred and ninety-three of the laws of eighteen hundred and eighty, entitled "An act to improve Jackson avenue in Long Island City."

No. 833, G. O. 811—Mr. Newman:

An act in relation to sewers and drainage in the city of Brooklyn.

No. 834, G. O. 812—Mr. Newman :

An act to settle arrearages of taxes and assessments and water rates in the city of Brooklyn.

No. 835, G. O. 813—Mr. Newman :

An act to amend an act entitled "An act relative to certain assessments for sewers in the city of Brooklyn," passed May twenty-sixth, eighteen hundred and eighty-one.

No. 836, G. O. 816—Mr. Harris :

An act protecting the rights of pedestrians.

No. 837, G. O. 819—Mr. Butts :

An act entitled "An act requiring the overseers of highways to construct drains and ditches for the purpose of draining the water from the highways of the State, and to condemn lands for that purpose."

No. 838, G. O. 820—Mr. Clark :

An act to amend chapter eighty-seven of the laws of eighteen hundred and fifty-four, entitled "An act in relation to plankroads and turnpike roads."

No. 839, G. O. 823—Mr. Haggerty :

An act for the protection of consumers of milk, and to prevent deception in the sale of milk.

Senate, No. 366, G. O. 830—Senator H. A. Nelson :

An act to amend the Code of Civil Procedure.

# STATE OF NEW YORK.

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No. 127.

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## IN ASSEMBLY,

MAY 29, 1882.

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### COMMUNICATION

FROM H. I. JACKSON, SECRETARY OF THE COMMISSIONERS  
OF EMIGRATION.

CASTLE GARDEN,  
New York, May 27, 1882. }

HON. CHARLES E. PATTERSON, *Speaker* :

Sir—In accordance with a resolution adopted by the Board as follows :

“Resolved that the Secretary of this Board be directed to send an official communication to the Speaker of the Assembly showing the various efforts which have been made and are still making by this Board to secure national legislation on the subject of the immigration laws.”

I have the honor to state, that the Legislature on the 29th of April, 1876, adopted a resolution directing the Commissioners of Emigration to bring to the notice of Congress the condition of the immigration laws of this State, arising out of the decision of the Supreme Court of the United States declaring them unconstitutional. After consultation and correspondence with the Boards of Charities of other States a bill was agreed on and introduced in the House of Representatives on July 7, 1876, and a memorial prepared and signed by the Commissioners, stating the necessity for the bill, was on the same day received and printed in full, in the Congressional Record. A similar bill was introduced in the United States Senate. The Commissioners appeared before the Committee to which the bill was referred and asked its passage. This bill was reported to the House on the 16th of January, 1877, with amendments and was recommitted. On the 13th of December, 1878, the Commissioners were again represented at a hearing before the Committee, and in addition, the Hon. S. S. Cox and the late Hon. Clarkson H. Potter submitted arguments in favor of the bill, but it failed to become a law.

A second bill was prepared by the Commissioners and with the memorial of the Board presented December 7, 1879, and was referred to the Committee on Foreign Affairs. The bill was promptly reported back to the House with a favorable report. On February 24, 1880, the Commissioners were again represented at Washington and urged action on the measure. The bill was considered April 22, 1880, Hon. L. P. Morton presenting the case in a carefully prepared speech, but the bill was not enacted. A Committee of the Board went to Washington in December last and requested the President to call the attention of Congress to the subject of the immigration laws, on his annual message, which request was granted and due reference made thereto in the message. Amendments suggested by the Commissioners, authorizing the levying of a reasonable per capita charge on immigrants, have during the present session sought to be made to bills under consideration in the House by the Hon. Abram S. Hewitt and in the Senate by Senator Lapham, but without success.

The "Van Voorhis" bill which was introduced, and is now before the Committee on Commerce and Navigation of the House of Representatives, and which authorizes the levying of a duty of 50 cents for each immigrant landed, has received the unanimous support of the Commissioners, and its enactment has been urged by them with earnestness and all proper means have been taken by the Board to secure the desired result.

Very respectfully

H. L. JACKSON,

*Secretary.*

# STATE OF NEW YORK.

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No. 128.

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## IN ASSEMBLY,

June 2, 1882.

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### REPORT

#### OF THE SUB-COMMITTEE IN THE MATTER OF THE NEW CAPITOL INVESTIGATION.

*To the Committee of Ways and Means of the Assembly :*

As indicated in our report of May 9, we have continued our investigation as to the condition of the Assembly Chamber ceiling and other matters, and herewith submit the completed testimony, and our conclusions:

The Legislature on our recommendation has already provided in a bill now before the Governor for positive and expert information as to the condition of the whole building by an examination by a board of architects and engineers.

In addition to this competent survey we recommend further that the Capitol Commissioners be directed to the following tests to be applied during the coming year:

FIRST. By causing careful levels to be taken at regular intervals of similar joints of the finished interior piers on the ground floor in the east, west, north and south centres, and at similar points in the columns of the Assembly Chamber, and in the foundation walls, that the question of further settlement may be fully established.

SECOND. By causing the granite columns in the Assembly Chamber which support the ceiling, and the exterior walls of the north centre to be carefully plumbed, and the horizontal distance between the bottom and top of these parts to be carefully measured and compared at regular intervals, to see if the abutments of the arches of the Assembly Chamber ceiling, or pillars, or walls are yielding or spreading.

All of which is respectfully submitted

ALBANY, June 1, 1882.

THOS. E. BENEDICT,  
J. HAMPDEN ROBB,  
GEO. S. ERWIN.



# STATE OF NEW YORK.

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No. 129.

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## IN ASSEMBLY,

MAY 31, 1882.

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*To the Assembly :*

The committee on the judiciary which was by resolution of the Assembly, adopted April 12, 1882, directed to investigate the conduct of the late Attorney-General, Hamilton Ward, and Justice T. R. Westbrook, "in relation to suits against the Manhattan railroad, and all other cases worthy of attention," respectfully

### REPORT :

That the committee, as soon as practicable after the adoption of said resolution, entered upon the discharge of the duties devolved upon them, and have since been almost constantly engaged in such investigation.

Judge Westbrook, by his counsel, Hon. Hamilton Harris, presented to the committee a statement of the proceedings had before him in the suit of the People against the Manhattan Railway Company, and his action in that suit.

Hamilton Ward, late Attorney-General, by his counsel, Hon. William B. Ruggles, also presented a statement in which he waived all question as to the authority of the Legislature to prosecute him for conduct during a past term of office, and invited the committee to "fearlessly and thoroughly examine not only his action in the Elevated railroad cases, but, as far as they could, all his official acts as Attorney-General of the State of New York."

During the investigation the committee have been attended by and received efficient aid from Francis L. Stetson and Albertus Perry, Esqs., the counsel selected by them under authority of a resolution of the Assembly; and they desire to recognize especially the zeal and industry of Mr. Stetson in procuring and bringing before them testimony relating to the subject of inquiry and to express their confidence that both counsel, in the discharge of their duties to the committee, have been actuated by no other than worthy and conscientious motives.

Messrs. Harris and Ruggles, as counsel for their respective clients, have attended the several sessions of the committee, and while care-

[Assem. Doc. No. 129.]

fully guarding the interest of their clients have by their liberal and dignified action aided rather than impeded the investigation.

That your committee have carefully investigated the conduct of the said Ward and Westbrook in relation to the suits against the Manhattan Railway Company, and every other case presented to them, and every case in which any complaint was made by any person. That the testimony taken is of such volume, and the details of the suits examined are of such intricacy that to even summarize the testimony in this report would extend it to unreasonable length.

The committee, therefore, in making this their report, can only give the conclusions to which they have arrived after the most careful consideration of such testimony and of the several questions which have been presented for their consideration.

These conclusions will be stated in the order in which the several subjects of inquiry were considered by the committee.

1st. The charges which were mainly the cause of this investigation, related to the action of Messrs. Ward and Westbrook in the suits of the People against the Manhattan Railway Company.

In May, 1881, Hamilton Ward, as Attorney-General, commenced an action on behalf of the People against the Manhattan Railway Company, claiming that that company had forfeited its corporate rights and should be dissolved by the judgment of the court; the venue being laid in the city and county of New York.

The progress of that action being retarded by motions of various kinds, the Attorney-General decided to and did discontinue it, and thereupon, on the second of July, 1881, commenced another action laying the venue in the county of Albany, on behalf of the people against said company, alleging that the company was insolvent, and had been for more than a year, and asking that it be dissolved for that reason.

On the thirteenth of July, 1881, at a special term held at Kingston by Judge Westbrook, a motion was made by the Attorney-General for the appointment of a receiver of the property of the Manhattan Railway Company pendente lite. The property of the Manhattan company consisted of leases executed to it by the New York Elevated Railroad Company of its roads, being the Third and Ninth avenue lines, and by the Metropolitan Elevated Railroad Company of its roads, being the Second and Sixth avenue lines. At the hearing of said motion on the thirteenth of July, the people were represented by the Attorney-General and the three railway companies by their respective counsel. No opposition was made to the appointment of a receiver; the only question was as to who should be appointed to that office. At the request of counsel the selection of a receiver was postponed to the next day, at the office of Messrs. Alexander & Green, in the city of New York. On the next day counsel again appeared before Justice Westbrook at that office, and at the request of the Attorney-General a further adjournment was had to the next day, at the same place. On the fifteenth of July, the parties, by their counsel, again appeared before Judge Westbrook, and Messrs. John F. Dillon and Amos Law-  
Hopkins were appointed receivers, with the assent of the counsel parties.

thereafter, at the instance of the New York Elevated Railroad Company, an order was made by Judge Westbrook requiring the Man-



hattan company to show cause why the roads and property of the New York company should not be restored to it, for the reason that the lease thereof was forfeited by the insolvency of the Manhattan company and its passing into the hands of a receiver.

This order was granted on the twenty-third of July, 1881, and at the request of counsel, and for their accommodation, was made returnable at the General Term room in the city of New York.

On the return day the several parties appeared by their counsel, and on motion the hearing was adjourned to the chambers of Judge Westbrook, in Kingston, August 11, 1881, all consenting except the counsel for the New York company. On the eleventh of August, the counsel for the several parties again appeared before Judge Westbrook, and the hearing was again adjourned, with the consent of all, on account of the illness of the Attorney-General, to the fourteenth day of September, at the same place.

On the twenty-eighth of September, 1881, Judge Westbrook was in the city of New York at the request of the receivers to consult with them as to the propriety of borrowing money with which to pay the rent which became due to the New York company on the first day of July, 1881, and thus prevent a forfeiture of the lease. That lease provides that it should be forfeited in case the rent should remain in arrears for the period of ninety days after it became due. That period was about to expire; accordingly Judge Westbrook made an order returnable on the next day at the office of the receivers, requiring the New York and Metropolitan companies to show cause why such certificates should not be issued by the receivers. On the next day, September twenty-ninth, counsel for the several companies and for the receivers and numerous other persons interested in the subject, appeared before Judge Westbrook at the office of the receivers in the building of the Western Union Telegraph Company. That office not being large enough to accommodate the persons present, upon the suggestion of Judge Dillon an adjournment was had to a large room in the same building used for meetings of the boards of directors, and was not in any sense the office of Jay Gould, as has been erroneously stated.

The application for the issue of receivers' certificates was vigorously opposed by the counsel of the New York and Metropolitan companies, but notwithstanding such opposition permission was given to the receivers to issue the certificates.

On the fourteenth day of September, at Kingston, at which time and place the motion of the New York company had been adjourned, the counsel for the several parties appeared before Judge Westbrook and the motion was elaborately argued, the argument occupying two days. Upon the conclusion of the argument time was given to the counsel for the different parties to submit further papers and briefs.

The receivers were unable to borrow money upon their certificates, and on the thirtieth of September the New York company presented to the judge a supplemental petition asking that its roads be restored to it on the ground that their lease to the Manhattan had been in arrear and unpaid for ninety days, and upon this petition an order was granted requiring the Manhattan company to show cause why the prayer of the petition should not be granted. The hearing of the

petition was postponed from time to time by stipulations of counsel until the seventeenth day of October, when the briefs of counsel and other papers relating to this and the former motion, argued on the fourteenth and fifteenth of September, were submitted to Judge Westbrook without oral argument. On the twentieth of October the judge went to New York and informed Gen. Swayne, one of the counsel for the receivers, that he had decided to deny the application of the New York company, and had prepared an opinion in writing stating the grounds of his decision.

It was arranged that the judge should read his opinion on the next day in the directors' room of the Western Union building, before mentioned, before the counsel for the several parties and others interested, who were to be summoned to hear the same. Accordingly, on the next day the judge appeared before the counsel and others, numbering thirty or forty persons, in the said room and read such opinion. On the twenty-second day of October, 1881, an agreement of settlement was made between the three elevated railway companies, by which the Manhattan company was restored to solvency. On the twenty-fifth day of October, the joint petition of the Manhattan, New York and Metropolitan companies, setting forth the terms of the settlement which had been made and the fact that the Manhattan company had thereby been made solvent, and praying that the property in the hands of the receivers should be restored to the Manhattan company, was made and presented to Judge Westbrook. With the assent of the Attorney-General the prayer of the petition was granted and an order made directing the restoration of the property.

On the nineteenth of November, 1881, at the request of the counsel of the Manhattan and New York companies, Judge Westbrook attended at the room of the Attorney-General, who was then ill, for the purpose of the final hearing and decision of the suit of the People against the Manhattan company.

The answer of the Manhattan company was amended, by permission of the judge, so as to set up the said agreement of settlement. Mr. Galloway, the vice-president of the Manhattan, was sworn and examined as a witness as to the then condition of that company, and his testimony, taken down by a stenographer in attendance, has been preserved. As it appeared from the evidence that the Manhattan was solvent, and the judge holding that the said agreement of settlement having been entered into by the directors of the several companies was valid, without the assent of the stockholders of those companies being obtained, an order was made directing judgment that the complaint in the suit be dismissed.

2d. The charge that these suits against the Manhattan company were instituted in pursuance of a conspiracy entered into between the late Attorney-General Ward and one or more stock dealers in the city of New York for the purpose of depressing the value of the stock of the Manhattan company; that the first suit was discontinued and the second one commenced in the third judicial district in furtherance of the purposes of such conspiracy; that Judge Westbrook became a party to such conspiracy and that the proceedings in the suit were taken, hastened or delayed as the purposes of the alleged conspirators required, has been utterly exploded. Not only is it true that no such conspiracy has been proved, but it is also true that the evidence shows

that no such conspiracy could possibly have existed. The evidence shows that in the conduct of that litigation Mr. Ward was actuated by the purest motive, and that his conduct throughout was that of a faithful, high-minded public officer.

3d. It is urged (now that the former charge has been disproved) that a conspiracy existed between Judge Westbrook and Mr. Jay Gould, and that the action of Judge Westbrook in the second suit of the people was regulated by a desire to further the interests of Mr. Gould.

In the opinion of your committee this charge is wholly unproved. There is no evidence in the case showing any connection between the action of Judge Westbrook and the operations of Mr. Gould.

It appears that on the twenty-sixth of September, 1881, when the letter of Judge Westbrook, referring to Mr. Gould, was written to General Swayne, Mr. Gould was not the owner of a single share of Manhattan stock, and that the person referred to by General Swayne as likely to take the receivers' certificates, if issued, was not Mr. Gould, as Judge Westbrook surmised, but was Mr. Sylvester H. Kneeland. Again, if there was any complicity between Judge Westbrook and Mr. Gould, why did the latter not purchase Manhattan stock in August, when it was selling at from fifteen to sixteen dollars per share? Why did he delay purchasing until about the first of October, when he paid thirty dollars per share?

There is no evidence before the committee that Mr. Gould or any other person except General Swayne had any knowledge or intimation of what the decision of Judge Westbrook upon the application of the New York company was to be, until it was publicly announced by the reading of the opinion on the twenty-first of October.

The letter to General Swayne, informing him of the result of the opinion, was written by Judge Westbrook, at Kingston, on the nineteenth of October. It did not reach General Swayne until the evening of the next day, and if General Swayne, in spite of the request of the judge, had divulged the information, no advantage could have been taken of it by any one for speculative purposes. Again, had any such conspiracy existed between Judge Westbrook and Mr. Gould, it must have been known to Judge Dillon, General Swayne, Mr. Vanderpoel and Mr. Knevals, and your committee are unwilling to believe that those distinguished gentlemen would have testified, as they did upon the trial, had they possessed such knowledge; and they are also unwilling to believe that those gentlemen would allow themselves, for one moment, to be used as the instruments of such conspiracy.

The legal correctness of the decisions made by Judge Westbrook in the course of the litigation has not been questioned, and in the opinion of this committee cannot be. His bearing and demeanor throughout the litigation were such as become a dignified and upright judge. The reasons for holding court in New York, and in the room of the Attorney-General in Albany, have been satisfactorily explained. Every important step in the cause with the exception of the order permitting the issue of receivers' certificates, and the denial of the application of the New York company, were taken with the consent of the counsel for the parties in interest, and those counsel were among the most distinguished and reputable lawyers of the State.

In the private correspondence which took place between Judge Westbrook and the receivers and their counsel, your committee are

unable to discover any evidence of such, or any conspiracy or any facts or circumstances from which such or any conspiracy can legitimately be inferred. On the contrary, it seems to them that had any conspiracy existed such correspondence could not possibly have taken place, and if it had taken place the guilty parties would not have voluntarily laid what is claimed to be the evidence of their guilt before the committee.

4th. It is urged that the correspondence which took place between Judge Westbrook and the receivers and their counsel was in itself a violation of official duty on the part of the judge. Your committee cannot so regard it. It was not a correspondence between a judge and a party litigant. The receivers were indifferent persons between the parties to the suit against the Manhattan company, appointed by the court to receive and preserve the property in litigation *pendente lite*.

"He is not the agent or representative of either party to the action, but is uniformly regarded as an officer of the court exercising his functions in the interest of neither plaintiff nor defendant, but for the common benefit of all parties in interest. \* \* \* A receiver is frequently spoken of as the 'hand of the court,' and the expression very aptly designates his functions as well as the relation which he sustains to the court." (High on Receivers, §§ 1 and 2.)

The counsel for the receiver were equally indifferent as between the parties litigant. Their duties were confined to advising the receivers and aiding them in the exercise of their functions.

The court might with entire propriety confer with the receivers as to the situation and management of the property in charge, and obtain from them information in regard to its condition, and such conference and consultation might with equal propriety be had with the counsel of the receivers. And in this case there was no more impropriety in Judge Westbrook asking advice upon points of law of these counsel than in asking such advice of any other disinterested lawyer. Exception is taken to the suggestions contained in the letter of Judge Westbrook to General Swayne of the date of September 7, 1881, as follows: "If (let me suggest) the Manhattan company have an answer to make to the Attorney-General's suit, should it not be made before the motion is heard, so that it may appear that there is a real issue to be tried? Should not, also, the claim be made that the Manhattan company has a counter-claim to the rent in the shape of unpaid stock? If it is thought that this demand is a legal one, should it not be presented?" The motion referred to was that upon the petition of the New York company for the restoration of its road.

That petition had been presented to the judge and an order to show cause granted upon it. It was expected that the motion would soon come on for argument, and the suggestion of an answer in the Attorney-General's suit, if one was to be made, was made merely for the purpose of having the case in proper shape for the hearing. The suggestion could not possibly aid or harm any one.

In regard to the suggestions as to the counter-claim, this is to be said: The application of the New York company for the restoration of its roads was merely a special motion addressed to the discretion of the court, although the attorneys of that company had seen fit to present a formal petition. It had been suggested to the judge in open court that the Manhattan company had a claim against the New York

company for \$6,500,000, the fair value of its stock issued to the latter company, for which payment had not been made except by the lease of the New York company to the Manhattan; that that lease was without value, and that, therefore, the Manhattan had a valid claim against the New York company for that stock.

The attention of the judge had also been directed to this claim by the suit brought by one Watson, of Boston, a stockholder of the Manhattan, to compel its enforcement. The suggestion of Judge Westbrook is merely that if the claim is thought to be valid as against the New York company it should be set up in answer to the petition of that company as a counter-claim. Except as matter of form it was of no consequence whether such claim was thus set up or not, if the facts upon which it was based were made to appear to the judge by affidavit, or otherwise, and the validity of the claim was urged by counsel it would be as efficacious to defeat the application of the New York company, as if it were formally alleged in the answer to the petition; but in whatever form the claim was presented, the judge might regard it or not in his discretion.

Therefore, while your committee are willing to concede that portions of this correspondence are indiscreet and unwise, they cannot regard the said correspondence, or any portion of it, as affording ground for the impeachment of Judge Westbrook. The correspondence, upon its face, shows that the judge was very desirous of preserving the Manhattan company from destruction, and whatever indiscretion appears in it was the result of excessive zeal and not of any corrupt or improper motive.

5th. The trial of the action, after settlement, of the three companies, was a formal one, to terminate the action in court, and, in the opinion of your committee, it was necessary, under the amended pleadings, to pass upon the questions which were decided by the judge upon that trial; among which was the decision that the agreement of settlement between the three companies, made on the twenty-second day of October, 1881, was valid, after being adopted by the directors, without being submitted to and approved by the stockholders. The correctness of which decision has since been affirmed by the General Term of the Supreme Court, for the first department, and by the Circuit Court of the United States for the Southern District of New York.

6th. It has been alleged that Judge Westbrook was guilty of impropriety at least in appointing his second cousin and former partner a referee to examine the accounts of receivers of the Manhattan company, and allowing compensation for his services as such referee. The proof before the committee shows that the appointment was not made by Judge Westbrook upon his own motion, but was made upon the recommendation of the counsel for the different parties connected with the litigation. The allowance of \$1,000 made to said referee was not in fact made by the judge. It was fixed by the counsel for the parties, and by them inserted in the order, and the judge merely permitted the order to be entered. If the counsel engaged in the cause and the counsel for the receivers saw fit to allow to F. L. Westbrook the sum of \$1,000 for arranging his business and holding himself in readiness to perform the duties of such referee, your committee do not regard it as the duty of the judge to interfere and prevent such allowance.



7th. In reviewing the action and conduct of Judge Westbrook in relation to the Manhattan litigation, although your committee can point out violations of good taste and acts of indiscretion, they are clearly of opinion that upon his part there was no intentional violation of his duty as a judge, and no act or action which furnishes ground for impeachment.

8th. The next subject of investigation by your committee was the conduct of Judge Westbrook in a certain action brought by Marvin R. Sackett, as a bondholder of the Lebanon Springs Railroad Company, on behalf of himself and all other bondholders of said company against Russell C. Root and others.

The complaint in said action in substance alleged that said Root was in possession of the railroad formerly owned by said company, and was holding the same without title, and operating it for his own exclusive benefit; that the same in truth and in fact was the property of the plaintiff and the other bondholders; that upon a foreclosure and sale of said railroad the same was purchased by clerks of Treanor Parke and Mr. Duncan, of the late firm of Duncan, Sherman & Co., for a nominal sum, which had not been paid. That shortly after such purchase the said clerks had executed to said Parke & Duncan a mortgage of said road for \$5,000,000. That by the directions of said Parke & Duncan the said clerks executed a conveyance of the said railroad to the New York, Boston and Montreal Railroad Company, subject to the said mortgage. That the last-named company leased the said railroad to the Vermont Central Railroad Company. That the New York, Boston and Montreal Railroad Company had become insolvent, and its property was in the hands of a receiver. That neither the last-named company nor the Vermont Central had taken possession of or operated the said railroad, but that they had surrendered the same to Parke & Duncan and other bondholders. That the said Root was in possession of and operating the said railroad by the permission of one Bloodgood, a bondholder, and said Parke & Duncan, who were also bondholders.

The said railroad was in bad repair, unsafe for use and going to ruin, and prayed that the said railroad be decreed to be the property of the plaintiff and other bondholders, and that until the same should be sold or a new corporation formed a receiver should be appointed to take and hold the same.

On the first day of October, 1880, upon the complaint, the answer of Russell C. Root, the only defendant who appeared in the action, and upon affidavits, a motion was made for the appointment of a receiver of said railroad, at Special Term, held by Judge Westbrook. The motion was opposed by Parke & Duncan and other bondholders.

The question was raised upon that motion whether the road was owned by the bondholders or by Parke & Duncan. It was claimed on the part of the plaintiff that the purchase by Parke & Duncan, or their clerks, was made for the benefit of the bondholders, and that they held the road, or the said mortgage thereon, as trustees for the bondholders.

In order to ascertain in what right Parke & Duncan claimed, before granting the motion for a receiver, Judge Westbrook appointed a referee to examine them upon that subject. They refused to testify

or be examined, and that fact being reported to the judge he decided to appoint a receiver, and having so decided, the counsel for Parke & Duncan and the other bondholders consenting, he appointed John W. Van Valkenburgh as such receiver.

That in the opinion of your committee the case was a proper one for the appointment of a receiver, and they see no reason to question the propriety of the appointment which was made upon the papers submitted to the court.

Subsequently certain bondholders, by L. B. Bunnell, Esq., as their attorney and counsel, applied to Judge Westbrook, at Special Term, to be made parties to the action either as plaintiffs or defendants.

This motion was denied. Under the decisions of the courts it seems that the applicants had no strict right to be admitted as parties to the action, the same being prosecuted for their benefit. Whether they should be admitted or not was a question addressed to the discretion of the court, and your committee are not prepared to say that that discretion was improperly exercised.

Suppose that there had been 100 bondholders and that each had applied by a separate attorney to be made a party to the action, would the court have been bound to admit them?

It is to prevent an embarrassment of the kind that the provision allowing one person to sue for the benefit of himself and all others similarly situated was adopted.

Besides, it appears that the papers presented by Mr. Bunnell upon the argument showed an attempt on the part of some person to commit a fraud upon the court.

Annexed to the petition presented by him were the names of a large number of persons members of the Shaker community, which had been signed to a petition for another purpose and detached from that petition and annexed to that presented to the court, and verified as if they were the genuine signatures of the bondholders. Without saying who was guilty of the attempted fraud, this disclosure may well have influenced the court in the exercise of its discretion. A motion was also made on behalf of Parke & Duncan to be made defendants in the action. The papers upon which the motion was made did not show in what right they claimed, whether as owners or merely as trustees for the other bondholders.

The court denied the motion with leave to renew it upon their disclosing the true position which they claimed to occupy in regard to the property.

Your committee believe that the practice of the courts requires that a party seeking to be made a defendant in an action must show to the court clearly his relation to the subject-matter of the action, and in what right he claims. This was not done, and therefore the conditional denial of the motion was proper. No appeal was taken from either of these decisions. It is proper to state that in the order denying the motion made by Mr. Bunnell, a provision was inserted that notice of all subsequent proceedings in the action should be served upon F. L. Westbrook, who had appeared as counsel for the moving parties in both of the motions, which provision was suggested in the proposed order prepared by Mr. Bunnell and sent to F. L. Westbrook. Precisely how this provision came to be inserted in the order is left in

some doubt by the testimony, but it is evident that the judge was willing and desirous that the parties should be informed of all action affecting their interest, and have opportunity to object if they were so advised.

9th. In April, 1881, an application was made to the court, Judge Westbrook presiding, by the receiver, for leave to issue certificates of indebtedness for the purpose of raising money to pay outstanding debts against the road, to purchase rolling stock for and to repair and operate the road. The papers upon which the application was founded showed that the road was without rolling stock, unsafe for traffic and in need of extensive repairs.

Before granting the application, the judge took the precaution to direct that an experienced railroad expert should examine the road and report as to its condition and the amount of money required to render it safe and fit for use. Upon the coming in of that report, the same, with notice of application, having been served upon the parties or their attorneys, the judge granted an order allowing the receiver to issue such certificates to the amount of \$350,000. The amount of such certificates was fixed in accordance with the report of the railroad expert, as to the amount of money required to accomplish the purposes proposed. The amount to be raised by the certificates was for the benefit of all parties interested in the road, inasmuch as the improvements to be made were of a permanent nature and would correspondingly increase the value of the road.

The order providing for the certificates contained a provision referring it to Hon. E. Smith Straight, of Troy, to hear and determine any claims which should be presented to him against the Lebanon Springs Railroad Company, without requiring him to report to the court.

Your committee can see in this provision no ground for criticizing the action of Judge Westbrook. Mr. Straight was then the county judge of Rensselaer county and presumptively as well qualified to pass upon such claims as Judge Westbrook himself.

It was claimed that this order was improvident in that the security which had been given upon the receiver's appointment being only \$10,000, was inadequate for the amount which he would receive upon these certificates of indebtedness and that it was the duty of the judge to have required additional security. The bonds of the receiver had been given some six months before the granting of this order and there is no evidence that the attention of the judge was called to the amount of said bonds or to the propriety of requiring additional bonds. Judge Osborn had previously granted an order giving leave to the receiver to issue certificates to the amount of \$25,000, without requiring from him any security beyond that which he had already given.

Your committee are constrained to believe that this omission on the part of Judge Westbrook was inadvertent and not intentional.

It has been suggested that this action of the judge was reckless; but your committee are unable to say that it was a reckless exercise of his functions, indifferent as to whether what he did was right or wrong. However, it does not appear that there has been, or is likely to be, any loss through the neglect or misconduct of Mr. Van Valkenburg.

10th. On the twenty-eighth day of April, 1881, and subsequent to



the order granting leave to issue certificates at a Special Term, held by Judge Westbrook, and upon a petition and notice of motion served upon the Attorney-General and the counsel for the receiver, and after hearing H. A. McClelland, Esq., counsel for plaintiff, for the motion, and E. Newcomb, Esq., counsel for the receiver, in opposition thereto, the Attorney-General not appearing to oppose, an order was made directing the receiver to pay to the plaintiff the sum of \$796.80, shown by the petition to have been expended by him in preparing for and conducting the action, and the further sum of \$1,200 to McClelland & Brown, the plaintiffs' attorneys, on account of their services and disbursements in the action.

Your committee have grave doubts as to the propriety of such an order under the practice established by the Code of Procedure. The theory upon which it was made undoubtedly was that the expenditures provided for and the services and disbursements of the attorneys had been made and rendered for the common benefit of all persons, for whom the action was brought and who were interested in the property; and that it was just and equitable that all should bear in proportion to their interest the burden of such expenditures. In form, it is true, an issue was still pending by the answer of Root, the only defendant who had appeared, but in that answer he had substantially disclaimed any interest in the property or in the subject of the action, and expressly renewed such disclaimer in his testimony before the committee. No injustice was done to any one. It is really a matter of no consequence to any of the parties concerned whether it was before the conclusion of the action or afterward. The allowance would have been proper certainly after final judgment. This order may very well have been allowed in the hurry of business without scrutiny on the part of the judge, and there is nothing in the testimony which shows it was granted from any improper or interested motive. In spite of the greatest care on the part of a judge, an erroneous or improper order will occasionally be placed on the files of the court; and in the absence of any evidence of bad faith on the part of Judge Westbrook, your committee are unwilling to say that in this case there was any intentional neglect of duty or a reckless exercise of his functions regardless whether it was right or wrong.

11th. The next subject brought to the attention of your committee was an allowance of \$6,000 made to William McDermott for his fees as referee in the matter of the Globe Life Insurance Company.

The papers and testimony before the judge, upon the application of such allowance, showed that Mr. McDermott, as such referee, had passed upon over 6,000 claims upon the policies of said company. The Attorney-General raised technical objections to the granting of the allowance, but the other counsel present, who represented the policy-holders, expressed their disapproval of such objections, and insisted that the referee was entitled to an allowance, but differed as to the amount, one urging that fifty cents a claim, amounting to \$3,000, would be right, while another thought that \$5,000 would be a proper compensation. The judge finally made an allowance at the rate of one dollar for each claim passed upon by the referee, amounting to \$6,000. The order, however, was subsequently rescinded by consent of all parties in open court on account of some technical informalities in the order and not upon the merits.

12th. The next case presented to your committee was that of an allowance made to James W. Husted, on the thirty-first day of December, 1881, as a referee in the matter of the National Life Insurance Company.

The papers presented to the court upon that application showed that on the fourteenth day of December, 1878, said Husted was appointed a referee to pass upon the claims of policy-holders in a proceeding instituted before Judge Westbrook by the Superintendent of the Insurance Department, to distribute the securities deposited by the said company with that department among the persons entitled thereto, and that Mr. Husted served as such referee 153 days; also, that prior to the institution of that proceeding an action had been commenced in the county of Kings by one Ann Reese, as plaintiff, against William Smythe, acting Superintendent of the Insurance Department and several insurance companies, as defendants, for the purpose, among other things, of requiring payment of her policy to be made out of the fund in the Insurance Department, and to determine the amount she was entitled to receive from said fund. In that action, on the twelfth day of April, 1879, Mr. Husted was also appointed a referee to pass upon the claims of policy-holders entitled to share in such fund. On the fifteenth day of June, 1879, Mr. Husted was served with an order restraining him from proceeding further as referee in the proceeding before Judge Westbrook. That Mr. Husted was engaged as referee under the order of Judge Gilbert until November 30, 1880, when he made his report, which was confirmed at Special Term, and the order confirming it was subsequently affirmed by the General Term on appeal. That when he applied for payment of his fees as referee in the suit of Ann Reese, his papers showed that he had been engaged in the reference under the order of Judge Gilbert for 390 days; that thereupon Judge Gilbert made an order allowing him fees for 390 days at the rate of \$6.00 per day, amounting to \$2,340. This order was made expressly without prejudice to the rights of Mr. Husted, under a stipulation signed by the attorneys for the parties in that suit and the then Attorney-General, Hon. A. Schoonmaker, dated July 31, 1879, that he should be entitled to fees at the rate of \$30 per day, and giving him leave to move to enforce that stipulation.

Upon the papers showing these facts and a report of his services as referee in the proceeding of the Superintendent of the Insurance Department on the thirty-first of December, 1881, Judge Westbrook made an order allowing him for his services as a referee in that proceeding, and in the Ann Reese suit, under the stipulation, the sum of \$5,000, and the further sum of \$121.35, shown to have been expended by him for the publication of notices in that proceeding. Upon the motion, J. H. Bergen, Esq., appeared for Mr. Husted, and Austin A. Yates, Esq., for the Superintendent, who consented to the allowance.

Afterward, Mr. Raphael J. Moses moved to vacate the order upon a statement of facts which was not before the judge. This motion was made in February last and has not yet been decided by Judge Westbrook.

Mr. Moses testified before your committee that upon the papers ed to the judge upon the application, the allowance made to sted was right. There was no evidence before the committee lge Westbrook was aware that an injunction order had been

made restraining Mr. Husted from acting as referee in the proceeding before him.

13th. In a proceeding by certiorari, prosecuted by the Erie Railway Company, Judge Westbrook appointed his son, T. B. Westbrook, as a referee to take the testimony and report the same to the court. This appointment was made upon the motion of the attorney prosecuting the certiorari; the opposing attorney made no objection to the appointment of T. B. Westbrook, although he insisted upon the appointment of a referee residing in his own county, which was other than the county of Ulster.

Your committee can see nothing censurable in this appointment, for the reason that the referee was to act as a clerk merely to take down the testimony in the presence of the counsel for the parties and return the same to the court.

14th. The charge brought to the attention of your committee by Rufus F. Andrews is wholly unproved and is not deemed worthy of extended consideration in this report.

15th. A portion of the testimony taken by the special insurance committee was read before this committee. Mr. Stetson, one of the counsel for this committee, submitted the report of that committee as his argument upon that testimony. From an examination of that testimony and report we have been unable to discover any specific charge against Judge Westbrook which can properly be made a ground of impeachment. The testimony before that committee was taken ex parte and without an examination in all cases of the papers upon which and the circumstances under which the different orders criticized were made. This is manifest from the fact that, in respect to several of such orders, the evidence upon which they were based was presented to this committee, showing that those orders were proper, which evidence was not produced before the special insurance committee. That committee, upon the testimony taken by them and in the manner it was, in their report say (referring to Judge Westbrook) that "it is just to record that there is no disclosure of venality or corruption, direct or indirect, but the evils complained of which led to the appointment of the committee are due, in their opinion, to the idiosyncracies of this justice as well as to the vices of a system."

That committee, in their report, allude to the great number of orders made by Judge Westbrook in receivership cases.

The fact that the burden of this class of business fell so largely upon Judge Westbrook is due to the following circumstances: He was located in the third judicial district, which includes the county of Albany, in which the venue of actions and proceedings for the closing up of insolvent corporations is generally laid, for the reason that in that county is the official residence of the Attorney-General and the Superintendent of the Insurance Department.

For some years past two of the justices of that district have been assigned to duty at the General Term, and the other justice has been, to a considerable extent, out of health. That this great labor has fallen upon Judge Westbrook ought not to be made ground for reproach. It should rather be regarded as showing the necessity that he should act upon papers presented to him, and upon consents and representations of reputable counsel. To go beyond that and make a

personal examination into the merits of each application was absolutely impossible. Under these circumstances it is not strange that some of the orders granted by the judge should seem to have been improvidently granted, or that he should at times have been imposed upon by attorneys and counsel who were presumably worthy of confidence. The difficulties and embarrassments attending the disposition of this class of business are suggested by Mr. Scudder in his very able report in the matter of the Attorney-General against the Continental Life Insurance Company. He says :

“From the date of the first application for a receiver, and down to the time of his final discharge, the courts are burdened by petitions both upon his own behalf and those of claimants or others interested, seeking instructions or praying for adjustments of claims or dispositions of questions concerning demands upon the trust. No judge or court can command leisure sufficient to examine the one-tenth of these matters, and a legal examination is indispensable. They must necessarily be referred, and at the point when the reference is to be made, come in consents to particular appointments and requests for others, and the result is unavoidable that in the course of several years of receivership, there will be a large number of referees, each coming fresh to the disposition of the controversies or matters before him, many of the questions in which have probably, without his knowledge, received the most serious consideration and decision of another referee who has acted upon some branch of the subject embraced in the general administration. Thus charges will be unnecessarily and yet honestly increased.”

The difficulties attending the winding up of the affairs of insolvent insurance companies, by reason of the complications arising from reinsurance, made by such companies are also very forcibly described by Mr. Scudder in his report. Speaking of the Continental (of which company Judge Westbrook appointed the last of the three receivers), he says :

“It stood in the line of fraud and deceit, yet its business was enormous. It succeeded to some and preceded other adventures that seemed deliberately formed to defraud the unsuspecting. Of course the ingenuity of those concerned in the development of this dishonest adventure surrounded it with every entanglement that would impede research or foil investigation. It had accepted the obligations of other companies when they were insolvent or unsuccessful, and, in so doing, burdened itself by obligations and complicated agreements, and this when it was itself hopelessly insolvent. It had reinsured companies that had reinsured other companies that had reinsured still others, so that its undertakings ran back through and embraced three generations of these life insurance existencies. \* \* \* The accounts of the company were filled with irregularities. It declared dividends when dividends had not been earned, and loaned moneys without security or upon inadequate security. The complications springing from the contracts of reinsurance were surpassed by those arising from the treatment of the company's affairs and accounts by its officers and clerks.”

Lastly. The statutory description of impeachable offenses is “mal and corrupt conduct in office and high crimes and misdemeanors.” (1 R. S. [5th ed.] 456.)

The term "mal and corrupt conduct in office," as defined by Judge Grover in the case of a judicial officer, consists of "an intentional violation of duty to the prejudice of public justice or a reckless exercise of his functions, indifferent as to whether what was done was right or wrong."

Applying this test to the judicial conduct of Judge Westbrook as disclosed by the evidence before them, your committee have come to the conclusion that, although in some instances his actions have been indiscreet and unwise, yet there is nothing in that conduct which affords ground for impeachment.

The committee have discussed at some length the merits of orders for the granting of which, it is urged, that Judge Westbrook should be impeached. They have done this in order to ascertain, if possible, whether or not the judge was actuated by unworthy or improper motives in granting such orders, and not because they deemed it within their province to review his errors, whether of fact or of law.

Every lawyer knows that almost daily orders are made and given which, on review by the judge himself or an appellate tribunal, are vacated, modified or reversed as being improvident, irregular or illegal.

Tribunals are especially established by the Constitution and laws for the correction of such errors, and it would be a dangerous precedent for a legislative committee to assume this prerogative and condemn a judge for his mistakes, omissions or inadvertencies.

Under such a system, and tried by the standard which has been urged upon the committee in this case, there is not a judge in the State who would be safe from impeachment.

The private character of Judge Westbrook is without a stain. His industry and ability are shown by his numerous opinions recorded in the reports, by the united voice of the bar of the third judicial district and the testimony in this case.

Before recommending the impeachment of such a judge, your committee have deemed it their duty to require that specific acts of mal and corrupt conduct on his part should be established, not by hearsay or surmises or fanciful inferences, but by legal and convincing evidence, which has not been done. And in the judgment of your committee the evidence submitted does not warrant them in recommending the impeachment of Justice Westbrook.

W. A. POUCHER.

F. B. SMITH.

AMASA J. PARKER, JR.

O. S. SEARL.

JAS. D. McCLELLAND.

D. T. POTTER.

Mr. Poucher, from said committee, also presented a minority report on same subject in the words following:

We, the undersigned, members of the judiciary committee, while we dissent from many of the statements and conclusions of fact arrived at by the majority of the committee, yet, upon the evidence in the whole case, we concur in the conclusion that the impeachment of Justice Westbrook should not be recommended.

WORTH CHAMBERLAIN.

R. ARMSTRONG, JR.



Mr. Chapin, from said committee, also presented a minority report in the words following:

*To the Honorable Assembly of the State of New York:*

The undersigned, a minority of your judiciary committee, to which was heretofore referred the inquiry into certain official acts of the Honorable Theodoric R. Westbrook, Justice of the Supreme Court, respectfully report:

That they cannot agree with the conclusions set forth in the report of the majority of said committee.

Under the authority conferred in and by the resolutions directing this investigation, it was within the power of your judiciary committee to report in whatever form was warranted by the evidence. The investigation did not look solely to the question of impeachment. Had the guilt of the justice been incontrovertibly proven, the Legislature might have proceeded to remove him by concurrent resolution under section 11 of article 6 of the Constitution. The inquiry has, therefore, been conducted in as thorough, impartial and broad a manner as was possible, the justice being at all times represented by counsel. The undersigned do not consider that on all the evidence a resolution of removal would be justifiable. It seems to us clear, however, that a *prima facie* case has been established, and that upon all the evidence adduced the said justice should be put upon his trial.

Until the charges made before your judiciary committee are met by better and clearer explanations than have been offered thus far, the said justice should not continue to exercise the duties of his office.

In our judgment the committee's duty is limited to ascertaining and declaring whether or no Justice Westbrook is liable to removal or impeachment.

Censure, by implication or by direct resolution, is not among the powers of the Assembly. Morally, such censure may perhaps carry the same weight as would similar declarations from any other body of equal numbers. Legally, no such right exists. There are no censurable offenses. The different departments of government are not subject to each other's control or supervision, unless by virtue of some express enactment. We shall, therefore, refrain from addressing any didactic remarks to this justice or to the judiciary of our State.

We desire to correct a widespread and dangerous misapprehension prevailing as to the scope and nature of the judicial misbehavior which justifies impeachment. A justice of the Supreme Court is chosen for fourteen years. The office is one of emolument and high honor. He may be impeached for high crimes and misdemeanors and also for mal and corrupt conduct in office.

These terms are not used in reduplication of each other. In defining misdemeanors we must exclude all high crimes. In defining corrupt conduct we must exclude both high crimes and misdemeanors, and in defining mal-conduct we must attend solely to such offenses as are neither high crimes or misdemeanors, and which do not necessarily constitute corrupt conduct.

Remembering these distinctions, and remembering further how great a public misfortune it would be were the community forced to endure judicial mal-conduct until positive, profitable, criminal corruption

was demonstrated, we respectfully recommend the adoption of the following resolution:

*Resolved*, That the Honorable Theodoric R. Westbrook, a Justice of the Supreme Court of this State, be and he hereby is impeached for mal and corrupt conduct in office.

AFRED CHAPIN.

JAS. E. MORRISON.

I concur in the above but recommend the following resolution:

*Resolved*, That the Honorable Theodoric R. Westbrook, a Justice of the Supreme Court of this State, be and he hereby is impeached for mal-conduct in office. The testimony, in my opinion, not showing any corrupt or dishonest motives in the actions of the aforesaid judge.

ROBT. A. LIVINGSTON.





STATE OF NEW YORK.

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No. 180.

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IN ASSEMBLY,

MAY 5, 1882.

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TESTIMONY.

TAKEN BEFORE THE COMMITTEE ON STATE PRISONS, IN THE INVESTIGATION OF THE ELMIRA REFORMATORY.



## TESTIMONY.

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In pursuance of a resolution of the Assembly, adopted March 8, 1882, of which the following is a copy :

**WHEREAS**, Various complaints have been made from time to time concerning the cruel treatment of persons committed to the Elmira State Reformatory in this State; therefore,

*Resolved*, That the Speaker appoint a special committee of three or more members of this house to investigate the alleged abuses of the aforesaid Reformatory, and that full power be given them to send for persons and papers, and to do such other acts as may be found necessary in their judgment to carry out the intention of the resolution; and,

*Resolved*, That the committee so appointed shall on the termination of its work make a full report to this house.

On motion of Mr. SMITH :

*Resolved*, That the pending resolution and the information on which the same is based, be referred to the committee on State prisons with instructions to investigate the charges and report to the house such actions as the committee may deem proper and necessary to be taken.

On motion of Mr. KEYES :

*Resolved*, That the committee on State prisons be and they hereby are authorized to sit at Sing Sing and Elmira for the purpose of conducting the investigation ordered by this house of the management of the State prison at Sing Sing and of the Elmira Reformatory.

*Hamilton D. Wey*, sworn.

By Mr. KEYES :

Q. Where do you reside ? A. Elmira City.

Q. You are a practicing physician ? A. Yes, sir.

Q. Regularly licensed ? A. A graduate.

Q. And registered as the law provides ? A. Yes, sir.

Q. How long have you been in the practice ? A. Four years.

Q. At what place? A. College of physicians and surgeons, 23rd street New York.

Q. Have you ever been connected with this institution, the Elmira Reformatory? A. Yes, sir; for three years past.

Q. In what capacity? A. As physician and surgeon.

Q. And are connected with the institution at present? A. Yes, sir.

Q. In the same capacity? A. Yes, sir.

Q. What are your duties in the Reformatory? A. To prescribe and take charge of such men as are sick and need the services of a physician.

Q. Are you in daily attendance at the institution? A. Yes; I make daily visits with the exception of Sunday, and if there are urgent cases requiring attendance on Sunday, I am here that day.

Q. During how many hours of each day are you present? A. Two and a half to three hours, and some days perhaps an hour and a half will suffice.

Q. You exercise a general supervision over the sanitary condition of the institution? A. All such questions as would fall to a medical man; yes, sir.

Q. How far do you reside from the institution? A. I should think it was about a mile and a half from here.

Q. Within the limits of the city? A. In the midst of the city.

Q. Is there any means of notifying you directly from the institution when your services are required? A. By telegraph.

Q. Any telephone? A. No, sir. Frequently I am summoned by messenger from the central office of the Telephone exchange. There is connection with the exchange from here, and so with the various offices.

Q. Have you ever been called at night to attend convicts in the institution? A. Never in the middle of the night; been called in the evening and early in the morning.

Q. Have you any knowledge of a case of a convict by the name of Hughes, formerly an inmate of this institution? A. Yes, sir.

Q. What was the full name of the convict? A. William Hughes.

Q. Do you know for what offense he was sent here? A. No, sir.

Q. When did he become an inmate of the institution? A. That I couldn't say.

Q. When did you first see him here? A. I could not say the date when I first saw him here.

Q. What was the first occasion of your noticing the convict Hughes? A. He might have come before me for some trivial ailment as men frequently do; it was in January, I think; I can tell by referring to memoranda; I find it was in January, 1880; he came to me complaining of certain pains and aches he had; pains in his legs and pains in his back, and upon examining him I found that the only cause which I could discover for his pains was a contracted foreskin; he was unable to draw his foreskin back on that condition; frequently produces these pains in different portions of the

body, and for the relief of this condition I prescribed circumcision on the 16th of January, 1880, and performed it in the hospital, and the operation gave him relief, and he was retained in the hospital until the wound had healed up, and was there perhaps ten days and returned to his cell; and from the time that he left the hospital until his death he was employed in the kitchen doing light work as a helper; his death occurred January 31, 1880.

Q. Will you please state the circumstances connected with his death? A. He had always been a masturbator, and upon the morning of the day of his death he came to me saying that he was unable to refrain from masturbation, that he masturbated at least once every twenty-four hours and sometimes oftener than that and wanted relief from the habit; I told him that with medicine no assistance I could give him would be of any benefit; that the relief, if any, must come from himself, and that if he persevered in the habit and course to which he was addicted he would be a sufferer from such habit; this was in the morning about ten o'clock; from seeing me he was returned to his work in the kitchen; about half-past twelve o'clock, as I was preparing to drive down town, I was called back by a messenger, and going in was directed to Hughes' cell; I got up there and found him on the gallery lying upon the gallery where he had been placed by an officer who discovered him hanging to his cell door; he had hung himself; when I reached him he was pulseless; I was unable to detect the pulse at the wrist, neither could I hear the sound of his heart by applying my ear to his chest, and I immediately began artificial respiration, means of resuscitation, sent for brandy and injected brandy under the skin by means of the hypodermic syringe; I had all preparations made and had him removed from the gallery where I found him, to the bath-room in the south pavilion, and there also carried on artificial respiration, and in connection with this I had the bath-tub filled with water heated warm, placed him in that, and placed him in there and kept him in an instant and lifted him out again on the floor and went on again with vain attempts to restore him.

Q. Did he show any sign of animation at the time you placed him in the bath? A. None at all. I continued to inject brandy and also ammonia underneath the skin; after working for two hours from the time that he was first discovered, I ceased my efforts, I saw they were unavailing and he was past resuscitation, past recovery.

Q. Did you test the temperature of the water when you placed him in the bath? A. It was not so hot but what I could bear my hands in it; my hands were in the water.

Q. What, in your judgment, was the temperature of the water? A. The temperature of the water was, perhaps, 110.

Q. How long did he remain there? A. He was only placed in and lifted out. Perhaps the longest he was there was possibly a minute or two, not to exceed that.

Q. Did he exhibit any signs of life while in the bath-tub? A. No, sir; at no time could his pulse or the beating of his heart be distinguished.

Q. In your judgment was life extinct prior to his being placed in the bath? A. Yes, sir.

Q. Did you administer internal remedies of any kind? A. It would have been unavailing; he could not have swallowed.

Q. And you did not? A. No, sir.

Q. What was the condition of the body when you left him? A. Upon the inner side of the elbow and also along the sides of his ribs, the motions, the manipulations employed in artificial respiration, had abraded the skin, the superficial skin, and there was some discoloration at the parts where the brandy and ammonia were injected underneath the skin, and the handling incident to and lifting him in and out of the tub would necessarily rub off the skin at the back, at the shoulder, and at the ankles, on the legs. Also, I would say, that where the agents are injected under the skin after death, especially where ammonia is used, the skin assumes a very thick appearance, more of a leathery appearance, discolored, brownish.

Q. Was the appearance of the body affected in any degree, in your judgment, by the immersion in the bath-tub, other than it would have been if life hadn't been extinct? A. It would assume a darker color than it would if he had been brought to, but even had he been brought to his skin would have been discolored.

Q. Was he placed in the bath more than once? A. Yes, sir.

Q. How many times? A. The exact number of times I couldn't state. My assistant and myself put him in a number of times.

Q. And the water remained at the same temperature as at first? A. Yes, sir.

Q. Your hands were immersed in the water each time the body was immersed? A. Yes, sir.

Q. From what place was the water drawn into the bath-tub? A. From the faucet.

Q. Hot water faucet? A. Hot and cold both.

Q. Were both the faucets running? A. We used both; when he was in there we didn't have the water running.

Q. Did you test the temperature by a thermometer? A. No, sir, I went by the feeling of my hand.

Q. Was it at any higher degree of temperature than you would have deemed it proper for a bath for a healthy person? A. They have to be guided in that by the taste of the individual.

Q. Would a well person have suffered inconvenience or injury from immersion in a bath at the temperature you used in this case? A. No, sir.

Q. This was about what hour of the day? A. He was discovered at about half-past twelve, and we continued our efforts about two hours.

Q. About three o'clock you ceased your efforts? A. Between half-past two and three.

Q. Did you see the body again after you ceased your treatment? A. Yes, sir.

Q. When? A. I saw it in the hospital quarters.

Q. At what time? A. I think it was the next day; wouldn't be positive with regard to that.

Q. Did you examine the body at that time, make any further examination? A. No critical examination.

Q. The body was then clothed, was it? A. Yes, sir; you mean clothed at the time I saw it or subsequently?

Q. On the following day after the death? A. It was at the time I saw the body. Do you refer to, or—

Q. I mean the day after the death; you say you saw the body? A. Yes, sir.

Q. Whether the body was then clothed? A. That I don't remember.

Q. It was covered so you did not see the surface of the skin? A. Yes, sir; the body was covered.

Q. You did not uncover it? A. No, sir.

Q. See the face? A. Yes, sir.

Q. See the hands? A. I don't recall.

Q. Did you see the body again after the last time you mention? A. No, sir; I don't think I did.

Q. Do you know what was then done with the body? A. I have no personal knowledge; I think it was sent to his parents in Albany.

Q. You have no further knowledge of the condition or destination of the body? A. No, sir.

By Mr. LIVINGSTON:

Q. I would like to ask you if it is true that the body of this Hughes was so scalded that the flesh would rub off with the rubbing of the hands? A. The outer skin was rubbed from our movements of the body.

Q. Was he boiled, so to speak, to such an extent as that on passing your hand down and up on him the skin and flesh would rub right off? A. No, sir; the outer skin would rub off, but not the flesh; if the body had been boiled my hand would have been also.

Q. Did you notice whether the skin of the body was reddened by the application of hot water? A. It could not be reddened as long as there was no circulation in the body.

Q. Did you notice any reddening or discoloration of the body, whether that might not have indicated to you that life was not yet extinct? A. There was no such flush of the body as to indicate that.

By Mr. KELLY:

Q. Do you remember how long the prisoner had been practicing this habit? A. For years, he told me.

Q. And so you left the control of the habit entirely to himself? A. We have no means really of controlling that.

Q. Did you suggest the possibility of using medical appliances?

A. If you shackle the hands, some become so expert they cause it by rubbing against the bed until they bring it about; they will produce sufficient irritation to bring about the desired result.

By Mr. HIGGINS.

Q. No medicine will reach it? A. The blister will reach it temporarily. In the Hughes case I circumcised him in the morning and within less than an hour he performed self-pollution even with the stitches and dresses in place.

By Mr. KELLY.

Q. Do you think that habit brought about temporary insanity? I don't think he was insane at the time.

Q. Why did he commit suicide? A. States prison shows that only one per cent of the lunatics reach that condition through masturbation.

By Mr. McDONOUGH.

Q. About what was his age? A. Nineteen or twenty, I should Judge.

Q. Did he ever complain about his treatment here? A. No, sir.

Q. Said nothing about his food? A. I don't recall any such complaint.

By Mr. KEYES.

Q. Did you ever discover any signs of mental depression or mental derangement? A. No signs of mental derangement. The morning of the day upon which he hung himself when he came to me he was somewhat despondent and said he could not control himself. He had not sufficient moral will, or self-control enough to desist.

Q. Did he ever give expression, in your presence to any desire to be rid of life? A. No, sir.

Q. Or any purpose to take his life? A. No, sir.

Q. Did he ever complain to you of his condition in the prison or his treatment by the prison authorities? A. I have no recollection of any such complaints.

Q. Was he kept at work during the time of your acquaintance with his case? A. Excepting for a period of a few days after his circumcision he was at work in the shop.

Q. But was not kept at work for several days after circumcision? A. Answer he was doing light work in the kitchen; choring around; no task required of him. The morning of the day upon which he committed suicide he was opening clams.

Q. He done work for a week or ten days after his circumcision such as would not have interfered with his recovery? A. He was in the hospital for ten days after doing nothing. He was kept in the hospital till the wound incident upon the operation had entirely healed.



By Mr. FARRAR.

Q. Do you say the skin, the outside skin, was blistered? A. No, sir; I didn't say blistered; it was abraded and rubbed.

Q. But got in that condition it would rub off by handling? A. The scarf-skin; you could at the time it was warm, and perhaps also after death, from the effect of the hot water, his body being lifeless and no circulation at the time.

Q. That would not be true of a well and live person? A. No, sir; not with the temperature of that water.

Q. It was because the man had ceased to live? A. Yes, sir; because he was dead.

By Mr. KEYES:

Q. Do I understand that it was only the outer or scarf-skin that was loosened by the bathing process? A. Yes, sir; any lifeless body that has been immersed in water will present that same peculiarity.

By Mr. FARRAR:

Q. Did it give the body a wrinkled, shrivelled appearance after it was taken out, in consequence of the immersion? A. No, sir.

By Mr. KEYES:

Q. Is it not the custom of your profession to take this same means, immersion, in warm water, to restore animation? A. Yes, sir.

Q. To resuscitate? A. Yes, sir.

Q. What is the general judgment of the profession as to the propriety and efficiency of such means of resuscitation? A. It is received, but we have not always the means at hand; the object is to warm the body; that is done sometimes by hot bricks and bottles of hot water and hot blankets; water is not employed in many instances because it is not obtainable, or there may be no tub in which the body can be placed.

Q. When did you see the boy Hughes last prior to the day of his suicide? A. I saw him in the morning about half-past ten, and he committed suicide about half-past twelve.

Q. Have you any knowledge as to whether he was required to go to his work upon that morning? A. I don't know; he came from his work to see me, and returned to his work again, and instead of eating in the dining hall, as second grade prisoners occupied the dining room used by first grade men, he was allowed to go to his room, and while in his room committed suicide; why he went to his room I don't know.

Q. What appeared to be his condition, physically, when you saw him in the morning? A. As good as it had been; while he never was a strong, robust person, yet he was not in feeble health.

Q. Have you any knowledge as to whether he was supported by the keepers or other parties, on his way to or from his work, in consequence of his feebleness or inability to walk alone. A. No, sir.

Q. Have you any knowledge as to whether he fainted while at his work, or on his way to or from his work, that day? A. No such occurrence ever reported to me.

Q. Judging from what you saw of him on the morning of that day, what was your judgment at the time as to his ability to walk and do his usual work? A. He was able to walk and able to perform the work upon which he was engaged in the kitchen.

By Mr. FARRAR:

Q. Have you ever received any communication, doctor, from his parents, making inquiry as to the cause of his death or condition of his body? A. Not from his parents direct.

Q. From any one? A. I have received a letter from a party representing himself as making inquiries at the request of his parents.

Q. Do you remember what answer was given? A. The questions that were asked were answered by myself.

By Mr. KEYES:

Q. Have you the letter written you on the subject? A. I am not positive, but I think last October I received a letter from his father stating that he had addressed me on the subject before and that I had never paid any attention to it; I have one of the letters I think at home that I received from the party in question.

Q. The first or second letter? A. The first letter, not from the father but from his agent.

Q. That is the letter you answered? A. Yes, sir.

Q. By whom was that letter written? A. Dr. Swinburne, of Albany.

Q. You directed your answer to the doctor? A. Yes, sir.

Q. You never received but one letter from the father of the boy? A. That is all.

Q. That letter you answered? A. No, sir; that letter was written last October and I paid no attention to it. I had already given Dr. Swinburne all the facts of the case; the father's letter was written in an insulting tone and I paid no attention to it.

Q. Have you the father's letter? A. No, sir.

Q. And did not answer it. A. No, sir.

Q. Can you state what has become of the letter the father addressed to you? A. I think it was destroyed; the letter was directed to Dr. Wey and opened by my father, and read by him, and also read by myself; and my impression is it was destroyed afterward. I have no knowledge or recollection of the letter, and I think he hasn't.

Q. Can you recall and state the contents of the letter? A. No; I think it was simply saying he had written a number of times and received no response, and said if we considered ourselves too lofty to communicate with him, perhaps we would have the condescension to write to Dr. Swinburne with regard to it.

Q. Was it a lengthy letter? A. I think it occupied a page and a half of ordinary note paper.

Q. Can you state any more fully and particularly the contents of the letter? A. No, sir; that was the sum and substance of it; that he desired information concerning the death of his son; I thought the letter came at rather a late period, some twenty months after the death of the boy; and within a few months after his death Dr. Swinburne had been furnished with the facts he asked for.

Q. Did you exhibit the letter of the father to any one connected with the institution? A. My impression is I did not; I mentioned it to Mr. Brockway; and perhaps he remembers whether I showed it to him; but I think I didn't.

By Mr. FARRAR:

Q. Did you, in your answer to Dr. Swinburne's letter, give the same explanation you have given to the committee? A. I don't think I went into detail as much, because, knowing the doctor to be a medical man, I supposed he would understand it.

Q. But substantially the same? A. I detailed to him the mode of treatment I pursued; told him of his immersion in the warm water, and of injections of brandy and ammonia underneath the skin, which would produce the discoloration and hardening; gave him a full explanation — gave him a comprehensive description how he came in that condition.

Q. Was that letter answered immediately? A. I think I received a second letter from the doctor.

Q. How long intervals? A. Two or three weeks; I answered the first letter immediately.

Q. What was the inquiry of the second letter? A. Simply going over the same ground again.

Q. Did he claim he didn't receive the first? A. No, sir.

Q. Nothing said about the first? A. Nothing, as far as my memory serves me now.

Q. Did you answer the second letter? A. I think I did.

Q. Have you written more than two? A. No, sir.

By Mr. McDONOUGH:

Q. What other, if any, deaths have occurred in the institution while you have attended? A. I should have to get the records to go through to give the deaths; our year begins the first of October and ends the thirtieth of September. Last year five deaths occurred; one was a case of suicide, two were from consumption, one was from chronic Bright's disease of the kidneys, and the fifth death dilatation of the stomach, resulting in death from syncope. There has been, altogether, since my connection with the reformatory, three suicides; Hughes was the first suicide, January 31, 1880; May 25, 1880, was the second; and August 21, last year, was the third.

By Mr. KEYES :

Q. What was the name of the convict who committed suicide?

A. The convict who suicided May 25, was George Malone.

Q. Had there been two cases aside from the boy Hughes? A. Yes, sir.

Q. Who was the third? A. John Reddington.

Q. Did they complain of any sickness before their death? A. Malone hadn't; Reddington, for a day or two prior to his death, had had an attack of summer complaint.

Q. Please state somewhat in detail the circumstances connected with the suicide of Malone? A. There is nothing except that one evening after tea I was summoned up here, and on my arrival here I found Malone had committed suicide. He used to complain of sickness, but I hadn't seen him for some length of time. I don't know that I knew the man till I saw him in his cell about half-past six after locking up in the evening, May 25, 1880. The third case was John Reddington, who committed suicide last August by hanging; all three by hanging in their cells.

Q. By what means were they suspended? A. They took sheets and made a noose of the sheets; in one instance I think bed-ticking was used.

Q. Do you know how long Malone had been in the institution? A. No, sir.

Q. Or Reddington? A. I don't know; he had been here for two years, more or less perhaps, or about that.

Q. Had you any occasion to observe Reddington particularly, as to his state of health? A. Well, he had been under my observation at different periods.

Q. Was there anything in his physical or mental condition that led you to apprehend any such act? A. No, sir.

Q. As you recall the facts of the case do you now recognize anything in Reddington's conduct indicative of mental derangement?

A. Unless extreme stubbornness is an indication of mental derangement.

Q. State any facts going to show what you mean by that? A. He had great powers of endurance; the date I haven't just now, but I could obtain it? I think he feigned insanity, he armed, obtained possession of a knife, and stripping himself of all save his pantaloons, he refused to allow any one to come into his cell, and muttered to himself that he had heard threats made against him, and brandished this knife and refused to give it up or allow any one to enter his cell; at times he would draw the knife across his bare chest, taking care simply to inflict a scratch, but did not penetrate the muscles or skin of the chest; after he was finally brought from his cell, and after the knife was taken away, he refused to eat, and for ten days he refused to eat, wouldn't take anything, threw his food away and I was compelled to feed him; I kept that up about ten days and at the end of that time he said he had enough of it and he would eat, and he did from that time on.

Q. Did he assign any reason for refusing food? A. No, sir, he never had but very little to say with regard to the ten days I fed him.

Q. Did he make any complaint to you of the work that he was required to do? A. He refused to work upon a number of occasions.

Q. Did he say why? A. He claimed that he had difficulty with his heart, and in July 1880, he was in the hospital for a time; he had a slight run of fever, and during that time his temperature was somewhat increased and there was some palpitation of the heart, but a careful examination failed to reveal anything wrong with the heart, any abnormal condition aside from the increase in the number of beats no enlargement and no valvular trouble, and the post-mortem confirmed the correctness of the view that there was no organic trouble with the heart.

Q. Did you make a post mortem in the case of Malone? A. I can refer to the book and see; I don't recall just now; excuse me for a minute and I'll get the book.

Q. Was Reddington in solitary confinement at the time of his suicide? A. Yes, sir.

Q. And for how long a time had he been so confined? A. He had been in there for some months; the exact number I could not tell.

Q. In solitary confinement? A. He had been in what is called number four, in one of those cells, and for some time previous to his death he had been working in one of the booths.

Q. By solitary confinement we do not understand he was exempted from labor or association with the other prisoners during the hours of work? A. He was working in one of those booths, they are open overhead and not dark; that is what I mean by solitary confinement. No post-mortem was held in the case of Malone; in all the suicides there has been a coroner's investigation held; on Hughes, no examination was held; there is no record of any post-mortem.

By Mr. McDONOUGH:

Q. You say this prisoner was in a cell brandishing a knife and refusing to eat? A. He was not doing both at the same time; after the knife was taken away, for about ten days, he refused to eat; one of the officers took it away from him.

Q. Were you present when it was done? A. Yes, sir.

Q. Was force necessary? A. He wouldn't give it up voluntarily.

Q. How do they overpower them? A. It was knocked out of his hand.

Q. He was in his cell? A. Yes, sir.

Q. The door locked? A. Yes, sir.

Q. How did they reach it? A. The door was opened and an officer went in.

Q. Did he strike the knife? A. Struck his hand with a cane.

Q. Did he make any effort to injure the officer? A. Yes, sir; he made lunges at him with the knife.

Q. How much of a scuffle was that; more than one blow struck by the officer? A. The officer tried about an hour to get the knife away.

Q. Describe what occurred between the officer and the prisoner, how he acted and what force was necessary ; was it necessary for more than one officer to take hold of him ? A. There were two.

Q. Did he cut either of them ? A. No, sir.

Q. Was he knocked down ? A. He would get against the rear end of the cell and draw the knife across his chest and said, "I heard them tell you to murder me," and he repeated that. It took fully an hour to overcome him, but the knife was knocked out of his hand finally by a cane.

Q. Is it a part of your duty to examine the food ? A. If complaints are made by the men with regard to the insufficiency of food, or as to its quality, I look into it. A year or so ago in the summer, a man complained that the food was not altogether satisfactory or palatable to him, and I asked him the trouble, and he stated the potatoes were not peeled, and upon investigating I found they were new potatoes and it would be rather a difficult task to peel them.

Q. What is the quality of food, good ? A. It is ; it is nutritious and good ; no matter what the food might be, if all the delicacies of the season were furnished there would be complaints.

Q. How is the general health of the inmates, good on an average ? A. Good ; one year I think we had but one death from natural causes ; that was from apoplexy, and we have had but one death since the beginning of our current year, that was about ten days ago, from typhoid fever.

By Mr. FARRAR :

Q. In the scuffle, was this man injured in the conflict with the keeper, Reddington ? A. No, sir.

Q. Was he knocked down ? A. No, sir.

Q. Was he punished for his insubordination ? A. He was punished by being fed with a tube every day ; he was passed into my hands and I fed him, and he was disarmed and returned to the cell from whence he was taken.

Q. Was he punished for the insubordination in the cell ? A. One was the continuation of the other.

Q. Did he have any other except what you have described, in the way of feeding him by force ? A. Not to my knowledge.

Q. What is the process of feeding ? A. I take a rubber tube in case I use a catheter and pass it down his throat into the stomach, and with an ordinary Davidson's syringe pump him up with milk.

Q. Did you have to force his jaws open ? A. Yes, sir.

Q. That is the only punishment followed in his case, to your knowledge ? A. Yes, sir.

Q. Are you present when a man is punished ? A. I never witnessed any punishment.

Q. Isn't it in the line of your duties to be present when a man is punished ? A. I have never seen any corporeal punishment here ; I used to be with those who were put up at the door ; I was called up-



on frequently to visit and determine their condition, or if they were put upon a limited diet of bread and water.

Q. I ask whether this man Reddington was ever paddled or spanked?  
A. No knowledge of any such punishment.

Q. The only punishment that followed the act of insubordination of Reddington was forcing of the food by yourself? A. Yes, sir; all I have any knowledge of.

Q. How long after that he committed this suicide? A. It was a year and a half after that.

By Mr. McDONOUGH:

Q. You are acquainted with all complaints of sickness? A. If they complain of sickness to the deputy he refers them to me.

By Mr. CLAPP:

Q. With reference to hanging at the door, what is the method?

A. There is a pair of handcuffs, with perhaps, I should judge, a foot of chain between them; the handcuffs are put upon the wrists, one handcuff passed through the bar the outerside and back again, and fastened to the wrist, and that rested upon the cross-piece so he was in this position [illustrating], up at the door of his cell; cross-piece of the grating in the door, would, I should judge, come up about here to me; so a man's position is like this [illustrating]; that was all there was about it; his hands were, perhaps, that far apart.

Q. Have you ever known of any where the hands were placed as high as the top of the head, or higher? A. That would depend upon the size of the man perhaps; I never saw a man put up in that position because the height of the doors wouldn't warrant it.

Q. Were his feet confined; are they when hung up? A. Some men have had a shackle on one foot, or ring of iron, but the feet were never confined to one position; they could rest upon one leg or the other; this simply restricted the motion of the hands.

Q. How long have you known of their being in that position at one time? A. The length of time was governed by the man's will; usually they were put there, so far as I have knowledge, for refusal to work, and the moment a man was willing to go to work he was taken down; in those cases of men that held out any length of time they were put up in the morning and left till noon, and taken down and put up again in the afternoon.

Q. In all those cases they have finally yielded? A. He might stay two hours, or remain a day or two or three days if he chose.

By Mr. KEYES:

Q. Do you know anything of a convict by the name of Lyons who is at present confined in his cell? A. I saw Lyons yesterday and saw him this morning.

Q. Have you made an examination of his case? A. I also saw Lyons about three weeks ago, I should judge, and yesterday morn-

ing; the number of his cell was on my sick list,—it was day before yesterday,—the number of his cell was on my list and I visited him; he said he hadn't been feeling well, but at that time he was feeling better; said he thought something was wrong with his kidneys; he had been passing an increased amount of water, his pulse was good and the appearance of his tongue was natural, and Lyons presented the appearance of a man in good health, but in order to see whether there was any foundation for his report that he was troubled with his kidneys, I told my steward, and in the meantime I left directions to have him go to work; that his condition was not such as need detain him in his room, and so he went out to work; this was day before yesterday; that evening when my assistant went to his cell to procure a sample of his urine he refused to make it saying he was not going to piss in that vessel for that damned doctor, and that was the end of that, and yesterday morning he came to the room; he came into the doctor's line and said if I thought there was nothing ailed him the day before what did I send to him for his water; he wanted to stay in and I told him I could not excuse him, that he had been disobedient, and, as in all such cases, I sent for Mr. Beach, and when Mr. Beach, came he refused also to return to his work, and he then went to number four where he is now; this morning I was there and his pulse was natural, and the temperature of his body is natural, and the tongue is clean, and in every way he presents the appearance of a man in good health,

Q. Has he complained to you of the work he has been required to do? A. No, sir.

Q. Has he made any complaint that he has strained himself in lifting weights he is required to carry? A. I have heard no complaint of any kind.

Q. Do you know his work? A. I know he is a molder, but upon what class of work he is engaged I do not know.

Q. Do you know the weight of the articles he is required to carry or lift? A. No, sir; except the ladle of iron he is required to carry, which, I should judge, weighed from sixty to seventy pounds, the ladle and shank or handle.

Q. Would you consider that a reasonable weight for a young man of his physical strength to carry? A. I would not consider it an excessive weight.

Q. Would he be likely to suffer an undue strain from that exercise? A. If he were a new man that had recently come, he might. All new men are seized with a pain in the back; that goes by the name of new man's back; then it goes away; it lasts three or four days.

Q. Do you know the age of this prisoner? A. No, sir.

Q. Is he a man of good muscular development? A. You could hardly call him a man, he is a youth of good muscular development.

Q. Would you judge him to be twenty-one years of age? A. No, sir.

Q. How old do you think? A. Seventeen to eighteen, I should think.



Q. You discover in him no signs of disease or physical injury?  
 A. No, sir; I have had no opportunity to examine his water, and I cannot say whether his claim of kidney disease is well-founded or not.

Q. If he is suffering from any strain from lifting heavy weights, could you determine the fact from an examination? A. Only approximately.

Q. You would be dependent upon his statement to a certain extent? A. Yes, sir.

Q. Are you consulted by the prison authorities with reference to the physical ability of the convicts for the work to which they are assigned? A. If a man comes with any deformity, or claims he has had previous injury, or anything of that kind, which he speaks of, then the man is referred to me for examination, and upon my report the superintendent determines what his work shall be.

Q. As a matter of fact have you had occasion to decide whether convicts shall go to the foundry or broom shop? A. I think that within the past ten days I declared a man unfit for work in the foundry on account of a trouble he had.

Q. When prisoners are assigned to any particular shop have you or have the prison authorities any discussion as to the particular species of work to which he shall be assigned in the shop? A. The superintendent determines that.

Q. Not the contractor? A. No, sir; that is my opinion; I have no personal knowledge of my own; I have never heard it mentioned, but from what Mr. Brockway has said to me at different times, as I understand it, the superintendent determines the work to which the man shall be put, and all changes made are with the advice and consent of the superintendent.

Q. Are there different degrees of severity in the kinds of work in each of the shops? Yes, sir.

Q. Some convicts are employed at emery wheels? A. Yes, sir.

Q. Do you find any injurious results following from their employment at those wheels? A. They suffer at time a certain amount of inconvenience with their eyes, but nothing to affect the health.

Q. Does it tend to cause pulmonary disease? A. Where it is continued any length of time the work of grinding predisposes to pulmonary disease.

Q. Have cases of that kind come under your observation in this prison? A. None I could attribute to that cause; in the deaths from consumption in this institution not one has been a grinder that I know of.

Q. Are any special means taken to prevent injurious results that sometimes follow from that occupation? A. I think some of the men have been accustomed to place sponges before their mouth or nose.

Q. As a matter of fact, I understand you to say you know of no instances here where pulmonary disease or other disease has followed from the employment of the convicts at emery wheels? A. No,

sir ; they may have had an inflammation of the eye that may have lasted three or four days, from getting emery into the eye in small particles, but other than that I have known of no trouble resulting from that employment.

Q. You were never present when punishment was inflicted ? A. No, sir ; I have no knowledge of any corporeal punishment.

Q. Can you tell the different kinds of punishment practiced in this prison ? A. The seclusion in the cell, as in the case of the man Lyons, and the diet of bread and water.

Q. Do you say no form of corporeal punishment is inflicted ? A. Not that I have any knowledge of ; never knew an instance of it ; I have never been present at a punishment of that kind.

Q. Have you ever heard from any officer of the prison that corporeal punishment has been inflicted ? A. No, sir.

By Mr. FARRAR :

Q. Do you know whether the man Reddington was showered with the hose and his cell boarded up ? A. It wasn't boarded up ; the hose was put on but it wouldn't work.

Q. I understood Brockway to say it was boarded up ? A. Reddington, at a subsequent period, was taken out ; in that contest to which I had reference, I think it was in November, he refused to give up the knife, and the hose was attached to the hydrant, but he could get in the corner of the cell where the water wouldn't reach him at all, and also the supply of water was insufficient.

Q. That time he had the knife the hose was turned on ? A. Yes, sir ; and he could get in the corner, the water wouldn't touch him, and it was abandoned.

Q. Did the water fill up the cell ? A. No, sir ; it ran right out.

Q. At another time do you know of Reddington being showered ? A. Only by hearsay.

Q. You were never called upon to examine him as to anything of that kind, after he had been wet ? A. No, sir ; I might have seen him the next day ; my impression is I did.

Q. That was the time you heard he had been showered ? A. Yes, sir.

Q. What was his condition ? A. He had dry clothing on.

Q. Was he injured any way physically by his contact with the water ? A. Not at all ; the post-mortem examination made upon his body showed that his physique was perfect, all the organs of his body ; he had the white look that all men have that have been long under confinement.

Q. The only knowledge you have of that scene is what had been told by the keepers and managers ? A. Yes, sir ; heard from the officers.

By Mr. KEYES :

Q. Could the cell have been rendered water tight so it could have

been flooded for three or four feet deep? A. It could have been done.

Q. Is that sometimes done? A. I have never known it to be done except in this instance.

Q. In this instance it was not done to your knowledge? A. No, sir; I heard about it; no personal knowledge of the cell being flooded; all I know is from hearsay.

By Mr. CLAPP:

Q. You say that he could have been released at any time upon his yielding? A. And promising to go to work.

Q. Have you knowledge as to how frequently he has an opportunity to yield, that parties call upon him and ask him to give up? A. There used to be an officer in there; or if not there, he was going through at short intervals throughout the day.

By Mr. FARRAR:

Q. Ever been called upon to examine a man that had been paddled? A. No, sir.

Q. No knowledge of any such thing in this institution? A. No, sir.

Ever seen the instrument it is claimed they do that with? A. No, sir; never saw one.

By Mr. KELLEY:

Q. Are you acquainted with the dietary system prevailing in the prisons of this state? A. No, sir; I have been through Sing Sing and the penitentiary on Blackwell's Island, but not to examine into it.

By Mr. KEYES:

Q. You say it is not upon a physical examination made by you, but upon the judgment of the superintendent alone, that a man's work is assigned to him in the prison? A. When a man comes here he is examined closely and questioned closely by the superintendent with regard to his surroundings before coming here; and occupation and his physical condition; whether he has ever been injured or ever been sick in the course of his life to any extent, or had broken limbs or any thing of that kind; and if he says he has the superintendent then requests me to examine, which I do, to substantiate the statement of the man. As an illustration of that, I would say, that within the past two weeks a man was recently received here, who claimed he had trouble in his belly, which at times was painful, preventing him from any heavy lifting; at the superintendent's request I examined him and found he had a hernia through the abdominal wall; otherwise the man was in excellent condition, and

had it not been for that hernia he would have been sent to the rolling room ; but he was sent to other work.

Q. When the superintendent finds from his examination of the convict that he has never suffered from any previous injury or disease that would be likely to incapacitate him for ordinary labor, he is then assigned to his work without consulting you ? A. He is governed by the statement of the man ; if the man later should claim he was incapacitated for his work, he has the privilege of an examination. They are allowed the privilege of seeing the physician every day. When I come first in the morning I see the men in their rooms, and if there has been any man turned out by the overseer of the shop, the superintendent takes the names of all that wish to see the doctor ; they are sent for and I interview them one by one.

By Mr. FARRAR :

Q. If, in your judgment, a man is unfit physically for a certain work your authority is higher than the superintendent's ? A. I recommend a change be made.

Q. Isn't it always followed ? A. I have no reason to know ; at least I have no knowledge but what my suggestions were carried out.

Q. How do you get your appointment to this institution ? A. The superintendent has control of the appointment.

By Mr. LIVINGSTON :

Q. If you will allow me ; you know, I suppose, the number of hours the men are required to work, especially in the moulding foundries ; about how long is that ? A. I suppose they work eight hours.

Q. Give us your opinion as a physician ; is the quantity of food furnished at the three meals, sufficient to sustain nature through that bodily fatigue ? A. Oh ! yes, sir ; ample.

By Mr. CLAPP :

Q. In your opinion, are there any cases of alleged physical incapacity where it does not exist ; among prisoners ? A. Malingering is as common here as among the sailors or soldiers ; feigned diseases are quite frequent.

By Mr. McDONOUGH :

Q. It is the Regular Army you refer to ? Yes ; although I have had no experience in it ; they resort to various devices ; a swollen condition of the leg is a common thing ; an examination reveals that the swelling of the leg is dependent upon a strap tied tightly around the thighs, stopping the circulation.

By Mr. FARRAR.

Q. Have you any knowledge as to the influence that the agents of the contractors have over the discipline in the institution? A. I have no knowledge of it.

By Mr. LIVINGSTON.

Q. Do convicts sometimes insert copperas under the skin of the hands so as to make their hands in a condition they cannot work? A. No, sir; but they drink quantities of molasses so as to cause diarrhoea.

*Jacob Schwartz* sworn.

By the CHAIRMAN.

Q. Where do you reside? A. In this city.

Q. And have for how long? 23 years.

Q. You are an attorney and counselor at law? A. Yes, sir.

Q. And have been for how long a period? A. Seven years.

Q. Practicing in this city? A. Yes, sir.

Q. Engaged in both the criminal and civil practice? A. Yes, sir; we take anything we can get in the country.

Q. You have had some opportunities of acquaintance with the affairs of this institution, have you? A. I have through the statements of third persons, nothing personally.

Q. Is there any particular period of the history of this institution during which you have been especially familiar with its condition of affairs personally, or through the statement of any parties? A. The information came to me, covering I think, the entire period of the running of the institution, or nearly so.

Q. When was the institution put in operation? A. I don't remember.

Q. About how long since? A. I should say five or six years ago they began to take prisoners, and possibly longer.

Q. The principal subject to be investigated by this committee is cruelty in the treatment of prisoners confined in this reformatory. We desire you to state to the committee, first, any facts within your knowledge, going to show cruelty or inhuman treatment, and secondly, any sources of information you may possess, which will enable the committee upon examination of other parties, to ascertain the truth of the charges made. In the first place, please give us any facts lying within your knowledge, pertinent to this inquiry? A. I don't think there are any facts of which I have personal knowledge. You can very well see, I not having been an inmate of this institution, cannot very well tell about the management of it, except what I hear; so far as information is concerned that has come to me from a variety of sources.

Q. First then, let me ask you, have you conversed with the authorities of the institution, with reference to any alleged acts of cruelty or inhumanity? A. Only as I have had them upon the witness stand and examined them there.

Q. Have you conversed with convicts, either those now in the Reformatory, or any that have been discharged from it? A. I have.

Q. In relation to treatment they have suffered here? A. I have.

Q. Can you state the case of any one convict in particular, who has made complaint of treatment he has received in this institution?

A. Yes; I can give you a number of names, the names of all the witnesses that were examined by us in the case of the people against Simmons, who was indicted and tried for murder for the killing of the principal keeper in this institution, and they were all of them visited and seen by me personally, and examined both off and on the stand.

Q. Were those discharged convicts? A. Some of them were and some were not; one or two were discharged; two I think were out on parole at the time, and the others were inmates of the institution.

Q. Were any of them citizens? A. I believe not; I cannot recall any; you mean any citizens discharged from the institution?

Q. I mean citizens not accused of crime? A. Yes, sir, a large number.

By Mr. McDONOUGH:

Q. Did you appear for the people? A. No, sir; for the defendant.

By Mr. KEYES.

Q. Was the record of the proceedings upon the trial of Simmons made and published? A. It was.

Q. Have you a copy of the proceedings? A. I have at my office.

Q. Look at that document and see if that is one of the copies? A. Yes; that is the error book on appeal, containing the entire testimony taken at the trial; I would say, Mr. Chairman, that the investigation at the time of the trial was limited to acts of alleged cruelties, the limitation being three months prior to the killing of McKelvey.

Q. How far back did that take the inquiry, to what point? A. The 6th day of May Mr. McKelvey was killed, so that the investigation ran back to the 6th day of February; we were limited to that period.

Q. Will you please give us the names of any persons who, to your knowledge, claimed to have information as to the cruelties practiced upon the convicts in this institution? A. I can give you the names of the citizens; you mean to be confined to citizens or prisoners.

Q. Both; take citizens first? A. Names of citizens sworn upon the trial; I have a number upon my papers who were not examined; we were limited to six witnesses.



Q. You can furnish the committee a list of the additional names?  
A. Yes, sir; there are also other names given me since that, since the trial.

Q. Give us the names of any citizen witnesses that now occur to you, who have knowledge, or claim to have knowledge, of abuses committed here? A. The citizens were all formerly employes of the institution, Edward McLaughlin—they all reside in this city, or did at that time—Hathaway Musgrave, Joseph Paxton, Hartwell M. Trickey, who was foreman of the shop at one time; Edward McMullen, who was at that time a discharged prisoner, and resided at Rochester, an employee of a boot and shoe concern in Rochester.

By Mr. LIVINGSTON:

Q. Is his name Edward or Allen? A. Andrew McMullen? they called him Allen sometimes; I believe he was sent under the name of Allen; Allen was his right name. Carrie Minch; her brother was a prisoner in the institution, and it was claimed by her that he was killed; that was the charge at the time, by reason of overwork and cruel treatment; but inasmuch as they occurred more than three months prior to the killing of McKelvey we were not permitted to show that; there are other citizens of the city whose names I have among my papers, who were not sworn upon the trial.

Q. With reference to this, Mr. Swartz, if you will be kind enough to make a list of the names and residence of such parties and send them to me at Albany in the course of a few days, I will be obliged to you? A. I will do so; the prisoners who were sworn, were the defendant himself, Edward Simmons, who is now at Auburn prison; William Lyons, John Williams, who I believe is also now at Auburn; John Reddington, Charles Crowell, who is now out on parole; Alvah Tibbetts, John Dunn, Frank D. Baldwin; I also received one or two letters from a party in Albany, I have forgotten the name.

Q. Was it Hughes? A. I think it was.

Q. Who had a son that died here? A. Yes, sir; and to-day I received a letter from a man by the name of Hill, who is now at Auburn, transferred, as he alleges, by reason of the fact that he discovered errors in the keeping of the books of the institution; his name is Joseph Hill; I am also advised that Frank Howell, who is an ex-keeper of the institution, who swore against us on this trial, is somewhat acquainted with the practices here; a gentleman also by the name of —, a gray-bearded man, who was in the employ of this greenback paper; I have his name among my papers.

Q. An ex-convict? A. No, sir. He was one of the great mogulls along with my friend, Dr. Krackowizer, on the greenback movement.

Q. Is that all the names that occur to you at present? A. Yes, sir.

By Mr. LIVINGSTON :

Q. Are you acquainted with the gentleman, formerly a keeper of this institution, by the name of Parker, who is now in Albany?

A. I don't think I am ; I don't recall the name.

By Mr. KEYES :

Q. Can you state to the committee, for the purpose of giving them points of departure in this investigation, any reports of particular cases of cruelty, or inhuman treatment of convicts ; I don't ask you to state facts and circumstances, but simply for the purpose of putting the committee upon some line of inquiry ; can you state any particular reports of cases of cruel treatment of prisoners that have come to your hearing ? A. This case of Minch, I remember, was reported to me ; who, it was stated, was sent here in perfect robust health, and sent home only to die in a very short period ; this is only from report ; I know nothing about the management of the institution, nor have any interest in it ; the other instances are those reported by the prisoners in their testimony upon this trial ; instances of paddling, flogging, flooding and starvation and hanging, and other instances mentioned by some of the prisoners during the period that we were not allowed to investigate, and instances narrated to me by other prisoners besides those sworn upon the trial, whose names I don't now recall, but could get.

Q. The names, if you can give them, of the prisoners alleged to have been so maltreated ? A. I can only give you the names of those that appear before me in this book.

Q. Those I understand to be the names of persons who may be possibly subpoenaed as witnesses, but what I desired particularly was the names of prisoners who were personally subjected to improper treatment ? A. Yes, sir ; I say I can give you names of those who were sworn, but other names I don't recall.

Q. I didn't understand you the names you had given us, were the names of persons who thus claimed to have been subjects of improper treatment ? A. Yes, sir ; Reddington, Tibbetts, Malone, Lyons and—

By Mr. LIVINGSTON :

Q. Are you acquainted with a gentleman by the name of Levi T. Sheldon, an ex-keeper of this institution, who resides at Canandaigua ? A. No sir.

By Mr. KEYES :

Q. You assisted in the defence of the prisoner Simmons ? A. Yes, sir.

Q. What is the present condition of that case ? It is on its way to the court of appeals.



Q. The prisoner was tried and sentenced? A. He was tried and convicted of murder in the second degree, and sentenced to life imprisonment at Auburn, and the case was appealed to the general term and an affirmance of the judgment was had at general term. By stipulation between William F. Howe and the district attorney, in order that the case might go directly to the court of appeals, and I am informed that the case is now on its way there.

Q. And the prisoner is now at Auburn? A. Yes, sir.

Q. Are you still personally connected with the case? A. On the part of the defense, and only by correspondence with Mr. Howe; he has the management of it in the court of appeals. My labor was merely of love; I received no compensation for it.

Q. You were not counsel in the case? A. Associated with Mr. Howe; Mr. Howe retained me.

Q. Of Howe & Hummel? A. Yes, sir.

Q. If any thing further occurs to you pertinent to this inquiry, will you state it fully and freely as if questioned particularly with regard to it? A. Of course, during the conduct and preparation of that trial a great many reports came to us from very many different sources regarding the conduct and management of the institution, and acts and cruelties which were alleged to have been inflicted upon prisoners; considerable of that we utilized upon the trial, and a great deal of it we found could not be, although it might be upon an investigation of this nature. My subpoena was so brief I couldn't get my papers; I cannot now refresh my recollection with instances, but I might upon investigation. These reports came to us alike from citizens and prisoners; prisoners then are often prisoners on parole; this report of Charles Crowell came to me within a day or two; I think the complaint in his case is that the Superintendent refuses him an absolute discharge, the prisoner claiming he is, under the rules of the prison, entitled to a discharge, and that he had been out nearly a year, and is entitled to it, I am informed, after a period of six months, — I may be in error about that. He is now working for J. M. Robinson & Son, here in the city, on parole.

By Mr. McDONOUGH:

Q. You spoke of some gentlemen employed here formerly, what reason did they give for leaving here? A. One or two of them, and notably Mr. Paxton, claimed to me that he left by reason of the fact that these cruelties were inflicted.

Q. Do you remember the reason given by any of the rest? A. Trickey, I believe, was discharged.

Q. Paxton's duties were what; did he work amongst the inmates? Mr. BROCKWAY—When they were building he worked on the wall.

WITNESS—He says he was employed at the reformatory from August 1876, during the balance of that season, and the next season to October.

Q. His name is amongst the list of witnesses you have given?  
A. Yes, sir.

By Mr. FARRAR:

Q. What was the nature of the defense in that case? A. The defense in that case was based upon the theory that the prisoner was driven to the act by reason of an unbalanced mind that was induced by cruelties and by barbarities inflicted upon him in this institution.

By Mr. McDONOUGH:

Q. Was Paxton asked to inflict them? A. We examined him particularly on the question of the character and disposition of the deceased, simply from a knowledge of what he saw and heard.

Q. Can you furnish the committee with a copy of that record, the error book? A. Yes, sir. [Mr. Brockway was here called upon by the chairman for a list of names and the address of convicts discharged from this institution during the last two years, both paroled and discharged.]

Mr. BROCKWAY—I will furnish it.

By Mr. BROCKWAY:

It occurred to me that I recollected no evidence brought forward by the defense to show a defective state of mind. Was there any Mr. Schwartz; no experts were put upon the stand to show the state of mind of the defendant? I think the testimony of Mr. Simmons indicated that; I believe the jury was with us.

Q. Was there any person in the court room, any experts in behalf of the defense or prosecution? A. For what?

Q. Experts upon insanity? A. I don't know what witnesses you had; we had none there.

Q. I think you did have during the whole case, but they were not called? A. Who?

Q. Somebody from Elmira? A. We had been volunteered to swear, physicians in this city volunteered to swear that under the statement made by Simmons, of cruelties practiced upon him, they would swear his mind was unbalanced, but you had a number of experts from an institution in this state, and we were a little afraid of being over-balanced, we had no means or money to subpoena experts outside of the city; we were a little afraid, having only our home industry, that we might be outsworn.

Q. You said you were limited to six witnesses, and gave that as a reason for not calling upon the stand certain prisoners who were taken down to the jail to testify; is that the only reason? A. I didn't say we were limited to six witnesses so far as prisoners were concerned; six witnesses of citizens.

Q. Were not a number of prisoners taken down that were not sworn? A. Yes, sir.

Q. Why were they not sworn? A. Because they were prepared to testify to what occurred more than three months prior.

Q. Were there not prisoner witnesses taken down there who had knowledge, as you suppose, of occurrences that would favor your case, occurrences within three months of the murder, and who were not sworn? A. I think not; if they had we would have been glad to have sworn them.

Q. In your preliminary examination of any prisoner witnesses, did you find any whose testimony, if given, would be against you? A. I think not, Mr. Brockway.

Q. Do you remember a man by the name of Thomas Wilson? A. No, sir.

*Z. R. Brockway*, sworn and examined.

By the CHAIRMAN:

Q. You are the superintendent of the Elmira State Reformatory? A. Yes, sir.

Q. And have been since when? A. Since its organization; I was appointed the 12th of May, 1876.

Q. And have been connected with this institution continuously ever since? A. Yes, sir.

Q. You have heard the testimony given here to-day, have you? A. Yes, sir; I think so, all of it.

Q. You have heard the testimony of Dr. Wey concerning the boy Hughes? A. Yes, sir.

Q. Were you personally knowing to the facts and circumstances connected with the death of the boy Hughes? A. I did not see him until efforts to resuscitate him had ceased and he was laid out in the hospital; on that day I saw him; I have no knowledge of the occurrences.

Q. You had been conversant with the history and facts of his case? Yes, sir; I know every man individually and personally.

Q. You were aware of the vicious habit to which he was addicted, according to the testimony? A. I was.

Q. How did you become aware of it? A. Hughes had conversed with me about it and asked me if I could suggest some relief; his mind seemed to me to be in a morbid condition upon that subject.

Q. Did you discover in his case any thing that impressed you as evidence of insanity? A. No, sir; but I was impressed always that he was a weak-minded youth.

Q. Had he ever complained of work assigned him? A. He had expressed a dislike for certain work, namely, the sand-papering of brush blocks upon a sand wheel.

Q. Did you change his occupation? A. Not immediately, but at the time of the surgical operation, after his treatment in the hospital for ten days, he was, for a considerable time, the books will

show, engaged about the first grade kitchen, till he fully recovered, some, I think, a month or two.

Q. Did you observe his condition on the day of his death prior to his suicide? A. I think I didn't see him on that day, but within a day or two I had seen him and conversed with him.

Q. Did he intimate to you any purpose to end his life? A. He did not.

Q. Did you see any thing in his conduct or appearance that led you to apprehend he might do serious harm to himself? A. No, sir; I had no such thought; I observed in his manner and appearance for a considerable time a kind of depression or morbid state of mind in relation to this vice of his; I had an opinion that perhaps his imagination exceeded the fact about it.

Q. Had he been subjected to punishment of any kind? A. I think not at all; my records will show that; I don't remember any punishment to which he was ever subjected.

Q. Have you any knowledge as to his being so weak and debilitated on the day of his death that he was unable to walk and had to have assistance of other parties? A. No, sir; on the contrary, I have knowledge he was in no such condition.

Q. You saw him about his work? A. Yes; I saw him about his work on the day previous; when I say I have knowledge, I mean that I have all the knowledge that comes to me through my officers and physician; I hadn't seen him personally upon that day, and it was a conclusion derived from his condition the day previous.

Q. Did you see the body after death? A. I did.

Q. In what condition did you find it? A. I found the skin abraded in two or three places; I think one on the side and elbow although I made no such minute examination so as to be able to state definitely about it; I saw the abrasions and inquired the cause of them.

Q. Did you examine the body on the day after the death? A. I think not; I think I saw it only once till it was sent away.

Q. What was done with it? A. Sent to his parents at Albany.

Q. On the day after his death? A. I am unable to state; I think the day after his death; I can ascertain that.

Q. Did you ever receive any communication from his parents? A. I have had several communications from his father, to some of which I have replied.

Q. Have you the letters? A. I think we have them.

Q. You can produce them? A. I think I can.

Q. Will you please do so? Did you reply to them? A. I think I did; whether we replied to all of them I do not know.

Q. You retain copies of your replies? A. Yes, sir.

Q. And can produce them? A. Yes, sir.

Q. Will you please produce the letters of Mr. Hughes, and also your replies at our next sitting? A. I will.

Q. Do you remember the case of Malone? A. Yes, sir.

Q. What can you state with reference to his case? A. I can

only state that Malone remained in his cell during the afternoon of the day on which he committed suicide ; it is not an unusual occurrence for a man who desires to avoid labor for any reason, to remain in at noon ; an examination of the rooms is made in the morning and a list made up, and at that stage it was possible for this man to have remained in his room at noon and while away the afternoon before it could be ascertained and he be sent out to work.

Q. So he remained in all the afternoon? A. I suppose so.

Q. Had he been sick previously? A. No, sir.

Q. Had he complained of his work? A. No, sir ; I think not.

Q. Had he been under the physician's care? A. No, sir ; nothing especial in his case ; with Hughes and Malone and some others, who were at that time employed in the wood department of the brush business ; the close, constant application was irksome and I had frequent applications for out-door work, to work on the farm ; persistent teasing to go out on the farm ; Hughes was one of those cases, and I think Malone was ; I think I recollect on one occasion when he asked me, made the same request that is made now constantly ; with that exception I never heard any complaint about his work.

Q. Malone committed suicide by hanging? A. Yes, sir.

Q. Do you recollect the case of Reddington? A. Very vividly.

Q. State the circumstances? A. I was at Reddington's cell Sunday afternoon ; it was last August ; in my Sunday rounds I was at his cell about half-past four or five o'clock, and he was lying upon his bed, and I spoke to him and he didn't reply ; the doctor had been there about half an hour before ; I spoke to him two or three times and he shrugged his shoulders in that way, as he was in the habit of doing, seemed to be in one of his bad moods, and I turned away with the remark, "I will come and see you when you are better natured," and in an hour and a half or two hours they reported he was suspended.

Q. Had he been sick? A. Only with a little diarrhoea a day or two.

Q. Had he been under the doctor's care? A. The doctor had attended him.

Q. Had he been kept at his work? A. No, sir ; he was in seclusion ; had not worked for some time.

Q. Had he shown signs of mental depression? A. No, sir.

Q. Was there anything in his case, so far as you observed, that was calculated to convey the impression that he might do harm to himself? A. No, nothing that would suggest that ; he was a peculiar character.

Q. What were his characteristics? A. A man of violent passion and great obstinacy.

Q. Evincing how? A. Evincing in any contact with any man ; prisoner or officer.

Q. Restive under opposition? A. I might illustrate ; in forming in the line in the foundry, where he worked at one time, he took a

place of two or three men in advance of his true place, for the purpose no doubt, of being near some one with whom he wished to communicate; the keeper directed him to take his own place, and he indulged in profanity and abuse at the time, and it was hours before he got over the excitement of being interfered with in that way.

Q. Had he been punished previous to his suicide? A. He was never punished here except to stand up to the door in the manner explained to the committee to-day, and being confined in his room on a bed handcuffed at the ring-bolt, he was not a safe man to leave alone in his room, as it was necessary to go there two or three times a day to serve his meals.

Q. Had he threatened violence? A. He had threatened violence and executed violence to the best of his ability, breaking up and emptying the contents of the bucket and threw the cover at the keeper, arming himself with knives, etc.

Q. Had he complained of marks made against him under the rules of the prison? A. I don't recollect his complaining of that; I don't know that he had any conduct book; he came from the New York penitentiary.

Q. You don't know whether he was short in his marks or not? A. No, sir; we have the book if he had one; he was on a long sentence.

Q. With reference to punishments, are you also consulted? A. No, punishments are ever inflicted that I don't direct.

Q. Are they inflicted in your presence? A. A man may be stood up at the cell door without my being present.

Q. Are corporeal punishments ever inflicted in the institution? A. They have been to the extent of not more than ten instances in five years.

Q. How recently was the last instance? A. Three or four weeks ago.

Q. What is the nature of it? A. A spanking.

Q. Called paddling? A. No, sir; the paddle is something different; what is understood by a paddle is an instrument of torture; the spanking we have applied is by a piece of sole leather made into the shape of a paddle two and a half inches wide and two and a half feet long, with a space cut out for a handle; I can show the committee the instrument made within a few weeks.

Q. An instrument in all respects like that that has been used? A. That is the only paddle we have; this boy Taylor I inflicted punishment upon myself; Taylor has been here a long time and possesses more than ordinary intellectual ability, and has become perfectly lawless with regard to little things rather than great things; for instance, he works in the foundry; the rule is that before a man leaves his place he should raise his finger and get permission from the keeper; he would start off from mere mischief and go across the foundry for any thing he desired, and do it often; he was an inveterate talker; he was behind in his task and generally broken up, as they say; he has been in the third grade and has made an attempt to escape, and has committed



several assaults on prisoners, I think; finally I couldn't get along with him any longer in the shop, it was very demoralizing; I sent him in and locked him up and finally one day I punished him in the way I described; I think I used a piece of hollow rubber hose that lay upon the sink, we had no arrangement for it; I think it was fifteen inches long, and I applied it to his posterior till he said he would do better, I promising him at the time that I had taken up his case and was going to send him home to his grandfather; he was a clergyman, but he must get into the second grade before the first of April or I should call on him again; he is already in the second grade.

Q. To what extent was the punishment carried? A. Some eight blows, I think, I usually count them.

Q. Did you observe the effect of the blows? A. A slight redness.

Q. Any blood drawn? A. No, sir.

Q. Any blister? A. No, sir.

Q. Did you observe the condition of his person a day or two afterwards? A. No, sir.

Q. Did he make any complaint of suffering? A. No, sir; we put him back into the room in that department of the prison.

Q. How was the punishment inflicted? A. We handcuffed his hands to one of the bannisters of the stairway.

Q. Did he cry out as if in pain during the punishment? A. I think he did once or twice.

Q. Who assisted you? A. Mr. Beach, my principal keeper.

Q. Were his feet resting upon anything? A. No, sir; Mr. Beach put his feet across in front of him to prevent his swinging around under the stair—to prevent him getting out of the way; that is the only instance he has been punished; I have spanked one other.

Q. In what condition was he while punishment was inflicted, naked? A. Posterior naked.

Q. Feet on the ground? A. Feet on the flags; he could stand fairly on his feet.

Q. Did part of his weight rest upon Mr. Beach when he interposed himself? A. Yes, sir; it was done to prevent him dodging my blow; he told me yesterday—I said to him, "How are you today?" he said, "It is all right, all right now."

Q. Had he been subjected to punishment prior to this? A. Locked up, but no corporeal punishment.

Q. Had he been accused of maliciously tearing his clothing? A. I don't remember it; there has been a long category of complaints against him.

Q. Keepers have complained of him? A. Frequently.

Q. Has Lyons ever been paddled? A. No, sir.

Q. Chained in his cell? A. No, sir.

Q. Ever been chained for a month at a time? A. No, sir.

Q. Has any convict ever been chained for that length of time in his cell? A. Reddington has been kept in his cell with this long chain at the door for several months.

Q. As long as eight months in one time? A. I couldn't say; I could tell by the record.

Q. You think it might be over this? A. There is no use to guess, the books will show; we put away Reddington permanently, to remain.

Mr. FARRAR:

Q. You say Malone remained in his room the day he committed suicide? A. That afternoon.

Q. Was he punished for that offense? A. No, sir.

Motion by Mr. Farrar that the committee adjourn, subject to the call of the chairman, in Albany. Carried.

*Adjourned.*

At ALBANY, N. Y., *March 21. 1882 4 P. M.*

*Stephen C. Burton* sworn and examined.

By the CHAIRMAN:

Q. Where do you reside? A. Albany.

Q. What is your business? A. Physician and surgeon.

Q. Practicing in Albany? A. Yes, sir.

Q. For how long? A. I have been here two years since I graduated; I have been in charge of the Swinburne Dispensary almost three years.

Q. You have been associated with Dr. Swinburne all the time you have been in practice? A. About four years with him; I was a student.

Q. Were you acquainted with the case of Hughes, that has been referred to in this investigation? A. I remember the case, sir.

Q. I desire you to state, doctor, the facts in your possession concerning the case of the boy Hughes? A. Some time in the early part, I think, of 1880, I went with Dr. Swinburne to an undertaker's room to view the remains of a young man who had been brought from some reformatory, which I afterwards learned was the Elmira; when I got there the body was in the box; it was taken out and put on a board, when a very peculiar condition of affairs presented themselves; that was a reddened condition of the body; the question arose, what caused that condition; the body was stripped of its clothing, as I remember, when I saw it, with the exception of a portion across there [indicating] and both elbows, and of the head; the body was almost cherry red; the skin would slip by rubbing, pressing and sliding the hand at most any part of the body, the back especially, the abdomen, legs and thighs, back across the shoulders and back of the neck, and the question arose as to what caused that state of things; well, I was at that time Professor of Anatomy at Albany, and had a good deal to do with dead bodies



—as to whether it was frozen, whether it had been thawed and frozen, having been dead so short a time, as to why it should slip with so slight pressure and the body was examined back and front, and there were portions found where it had been rubbed and slipped on the knees and elbows; then we listened, of course, to the elder medical men present, and it was decided that the body had been immersed in some fluid which was excessively hot, hot enough to make the skin slip, as we term it.

Q. In the judgment of the physicians present, the condition of the body, the condition in which you found the body, could only be accounted for on the supposition that it had been immersed in hot water or some other hot fluid? A. Some fluid hot enough to remove the skin.

Q. Would it depend upon the condition in which the body was at the time of its immersion, as to whether this peculiar appearance would be produced by the immersion? A. I don't think I am at liberty to state that; I have not seen a dead body stuck in hot water; I know the effect on live bodies.

Q. On the assumption that the body was dead prior to immersion in hot water, would this appearance necessarily have been produced? A. I do not think it would, sir.

Q. You say you never had experience? A. I have never seen a dead body placed in hot water enough to remove the skin.

Q. You don't know, from observation, what the effect would be? A. I don't.

Q. Could you infer, from the condition in which you found the body, anything as to the temperature of the water in which it may have been immersed? A. It must have been hot enough to destroy the skin; just what heat it takes to do that I cannot state; it must have been excessive heat.

Q. Would a degree of heat in the water which would not have seriously injured the body of a living well person, have produced this appearance upon the body of a dead person? A. I don't believe it would.

Q. Assuming the water in which the body was immersed was at a temperature of only about one hundred and ten degrees, would the body have presented the appearance it did present? A. I don't believe it would.

Q. And upon what do you base your belief? A. Well, upon simply the temperature of the body, being ninety-eight and a half, and the difference of one hundred and ten is not enough to scald it; we do scald under the sun at one hundred and thirty, and the condition might be present under those circumstances.

Q. Have you any knowledge as to the condition in which this body was when it was immersed, if immersed at all? A. I don't know, only on the post-mortem they decided they supposed the body had been hung.

Q. Was there anything to indicate it had been hung? A. I believe the congested condition which existed in the trachea at the

time was decided to be one of the evidences; I did not stay to see the chest opened, or the abdomen.

Q. The body was dissected? A. Yes, sir.

Q. Did you observe the congested condition of the neck? A. Yes, sir; I saw the trachea.

Q. Were there any marks on the surface of the skin about the neck indicating the fact that death had been caused by hanging?

A. Not that I remember of.

Q. Nothing but the congested condition of the trachea? A. That was all I saw; further than that I don't know what condition the lungs were in.

Q. I understand you to say, then, that assuming the body was dead, or that life was extinct when the body was immersed in hot water, if it was immersed, that this peculiar appearance which the body presented would not have existed? A. I think so, sir.

Q. Assuming that life wasn't entirely extinct when the body was immersed, and that no resuscitation took place from the immersion, would the peculiar appearance which the body presented indicate that resuscitation took place subsequently, some hours after the immersion? A. I think that would be a matter pretty hard to say; they might have had partial resuscitation, but how far it went no body can tell, probably.

Q. At what season of the year was this? A. This, I think, was in 1880, in January or February.

Q. It was cold weather? A. Yes, sir; the body was partially frozen.

Q. It had been brought from Elmira to Albany? A. I so understood.

Q. Upon the cars? A. I suppose so.

Q. Do you remember on what day of the week it was you examined the body? A. No, sir.

Q. Do you know on what day the body arrived here? A. Not from personal knowledge; only from what I heard say.

Q. Was the examination you made made on the day the body arrived? A. On the morning following, I believe, about ten o'clock.

Q. You don't know how long the body had been dead? A. I don't.

Q. Would the freezing of the body be calculated to produce any change in its appearance, or to cause the redness you discovered of the skin? A. I never saw one get particularly red from freezing until after decomposition sets in.

Q. Do they then? A. Yes, sir; then the body is thawed.

Q. This was still in a frozen state when you examined it? A. Yes, sir.

Q. Was the body thawed afterwards? A. Partially.

Q. And did you see it after it became thawed out? A. Thoroughly thawed out?

Q. Yes? A. No, sir; only saw it for the time we were in the undertaker's room; probably half or three-fourths of an hour; at the time of the post-mortem the legs were in a semi-frozen state.

Q. Who assisted you? A. I was a spectator; I didn't put my hands to the body only to start the skin a little; it was made by Dr. Starkweather, assisted by Dr. Keagans.

By Mr. FARRAR:

Q. Isn't it true, doctor, that a body, after life is entirely extinct, immersed in warm water, will affect the skin or break it? A. I have never seen a dead body immersed.

Q. That you are not able to state? A. No, sir.

Q. You don't know that fact as a physician? A. No, sir; it might be immersed and the skin loosened, but I doubt very much if you would get that reddened condition of the body that was on that body; I don't think you could stimulate circulation after death.

Q. Couldn't you tell how long he had been dead from examination? A. I don't think anybody could.

By the CHAIRMAN:

Q. In your judgment what was the immediate cause of the redness of the skin in this case? A. The same that follows all burning, a congested condition of the capillaries; the capillaries under the skin; you could see a condition of pimples under all parts of the skin; there was a mottled condition of the body.

By Mr. FARRAR:

Q. Would that effect be produced by injecting brandy or ammonia under the skin? A. Generally over the body?

Q. Yes? A. I don't believe it would; I state that from the fact of having seen an operation where the patient was sick and under ether; under the shock of the operation where brandy and ammonia were thrown under the skin, it would localize an ulcer, an ulcer develop, and show there and there only.

Q. Do you say it would not produce this redness? A. I don't believe it would; it was a mottled appearance covering the surface of the body to the greatest extent all over; there was here and there a little place where it didn't come up quite as full as others.

By Mr. KEYES:

Q. Was there any appearance to indicate that any restorative agents had been injected? A. I did not see any that I remember of.

Q. Was there anything to indicate that the body had been, that the skin had been abraded by rubbing? A. Not as I remember, only where we rubbed it; might have been some little that I didn't see; I remember a number of places that we rubbed, three or four inches long, where you could take hold of it and pull it up.

By Mr. FARRAR :

Q. What is the usual practice where a person has been hanged, if you undertake to restore? A. Sometimes electricity, sometimes by immersion in a bath a little in excess of the normal temperature.

Q. What would be the normal temperature? A. One hundred and five degrees.

Q. Isn't injections with a hypodermic syringe under the skin, of ammonia and brandy, proper? A. Yes, sir.

Q. And any warm application? A. Yes, sir; anything to re-establish circulation as rapidly as possible; the application of a battery to the heart to keep it going if you can.

By Mr. LIVINGSTON :

Q. You have answered one of my questions, it being a customary practice to insert bodies which are inanimate in a bath at about 105 degrees? A. Yes, sir; enough above normal to stimulate circulation.

Q. State to the committee whether that body did not present, in your opinion as a medical man, a decidedly scalded appearance? A. There is where the controversy began; whether it was frozen or not frozen; we decided it was not; and decided it had been put in something hot enough to scald it.

Q. Was the scalding of the body, in something of a temperature high enough to produce blisters on the skin? A. I think the body was blistered.

Q. Would blisters and redness be produced in a body in which all circulation had ceased? A. I have my doubts about it.

Q. Will you state to the committee whether this fluid in which this body had been submerged might have been of sufficient temperature, in your opinion as a medical man, to have produced serious injury, if not death, upon the body of a live man? A. I think it would have killed him.

By Assemblyman RAINES :

Q. You say you attended the post-mortem? A. Yes, sir.

Q. Also examined the trachea? A. Saw it examined.

Q. What was the condition of it? A. Congested and the capillaries filled with blood.

Q. Would you gather from the examination of the throat that you saw that death had been occasioned by hanging or not? A. I don't know as I could positively state that.

Q. What was your opinion from what you saw? A. That there had been more or less suffocation.

Q. Had there been enough to occasion death? A. Couldn't so state.

Q. Have you any opinion about it? A. No, sir; I didn't see the post-mortem continued far enough to decide that.

Q. Was there any extravasation of blood about the neck or in the trachea? A. There was.

Q. On the neck itself externally? A. Yes, nothing more than the redness.

Q. Was there anything external? A. That congested condition of the trachea.

Q. By extravasation of blood you mean where there is an escape of the fluid? escape of fluid from the outer skin, or escape sufficiently internal to show that the vessels had been ruptured or it had settled and produced the discolored appearance about the neck? A. I didn't see any condition about the neck any different than I saw on the body; there was a reddened condition of the trachea.

Q. No mark about the body that indicated that there had been any hanging? A. I saw none.

Q. What led you to believe there had been a suffocation? A. The condition that existed in the trachea, congested condition, which we find in men who are executed.

Q. Did you suppose there had been suffocation from that? A. I didn't go far enough into the post-mortem to see whether the lungs were congested or not.

Q. How long had he been dead when you examined? A. I only know from what I heard that he had been dead one day or two days previous.

Q. You didn't see it till the day after the body reached here? A. The morning after.

Q. You don't know how long he had been dead? A. No, sir.

Q. You say this body presented the appearance of being partially frozen? A. Yes, sir.

Q. And to what extent was it frozen? A. Enough so you could notice there was frost in it; it was partially soft.

Q. Part of the body that had been frozen had been thawed out?

A. I don't think it had been thoroughly thawed out.

Q. Partially thawed? A. Partially thawed.

Q. That freezing and thawing would have a tendency to produce decomposition to a certain extent, would it not? A. Depend upon how far the heat was carried in the body after death; I don't think if the body was kept under 40 it would decay very rapid; I have had the handling of several hundreds of them.

Q. What degree of cold would have frozen it? A. Thirty two.

Q. How long must it continue in a temperature of thirty-two to produce that frozen state that was apparent in the body two days after it got here? A. I did not say two days after it got here; I said the day after it got here.

Q. The second day; it came one day and you saw it the second? A. I understood it arrived the evening before I saw it the next morning.

Q. How long do you say the cold would continue at thirty-two to produce the condition you saw in the body after it had been in the undertaker's room over night? A. Some hours.

Q. Don't you think continued in that condition it would have tended to produce a degree of decomposition? A. Not as rapid as that.

Q. A perceptible degree? A. No, sir.

Q. You say there was a spotted condition of the body? A. I mean by that a mottled condition; I don't mean particularly spotted.

Q. Wasn't that mottled condition owing to the process of decomposition being more rapid in one part of the body than in another? A. No, sir.

Q. What do you think it was produced by? A. Probably the congested condition of the capillaries under the skin.

Q. Don't you think they were more congested in one part than another? A. No, sir; because I think he was generally submerged.

Q. It was more apparent in one part than another, as you say? A. It was more apparent under the skin, but not as plainly visible everywhere, but that don't go to show the body was not fully under the water; I don't think there was any decomposition of the body at all at the time, any noticeable decomposition.

Q. You think the appearance of the skin was produced simply from the heat in the water? Q. Whatever it was put into, I think, and that was what caused that condition.

Q. You never saw the experiment tried on a body to see what it would be if it was immersed in warm water after death? A. No, sir.

Q. At what temperature does water boil? A. Two hundred and twelve.

Q. What temperature of water do you suppose would be sufficient to produce that appearance of redness in a healthy or in a live person? A. Probably one hundred and thirty or one hundred and forty, or one hundred and fifty, and may be a little less; some can stand more than others.

Q. It would depend upon how it was applied, gradually or suddenly? A. Possibly so.

Q. Would you be prepared to say the amount of heat there was in that water from the appearance of the body? A. Would not.

Q. In your opinion if this person had been dead, if life had been extinct at the time he was put into this water, this reddened appearance would not have been produced by the water? A. I hardly think it would.

Q. That is your opinion? A. That is my opinion.

Q. What temperature do you think would be admissible in trying the experiment of resuscitation, to restore the circulation by immersion in water? A. One hundred and four to one hundred and five; along there.

Q. Would one hundred and ten be excessive? A. I don't know; some people might stand one hundred and ten and some would not; some can stand the heat of the sun on the naked back and won't burn.

Q. Whether one hundred and ten in water would be excessive if you were trying the experiment to resuscitate? A. I don't know certainly, such things are usually done in haste; I think about one



hundred and five, though may be as much as one hundred and ten ; the idea is to establish as rapid circulation as possible, and that is recognized as one of the means to establish circulation.

Q. You say there was an abraded condition of the skin on any part of the body ? A. I cannot be positive as to that, but I think there was one or two places the skin had been rubbed in the box.

Q. If this body had been, as you think, put in this scalding water and then taken out and rubbed for any purpose, even to produce circulation, don't you think there would have been more or less abrasions ; do you think it could have been rubbed under that state of affairs without producing many abrasions ? A. I think it would have rubbed the skin off.

Q. You don't think it could ? A. When we attempted to rub it the skin did rub off.

Q. It had been partially frozen when you attempted to rub it ; my supposition is they had undertaken to restore circulation by rubbing immediately after it came from the bath ; in your view of the case wouldn't the skin have been rubbed off then ? A. Possibly might.

Q. Don't you think it would ? A. Well, it was a question in my mind ; I never saw a dead body put in water in that condition ; I don't know what effect it might have ; after a person is burned I don't think it takes long or much rubbing to take the skin off.

Q. You don't think the rubbing could have taken place after he was put into this water ? A. I don't know how much rubbing they did, nor the force of the rubbing ; the ordinary skin in health can be rubbed and destroyed.

Q. On the part of the body that you examined or rubbed was the skin firm ? A. On the knees and elbows.

Q. Did you rub the elbows ? A. Yes, sir.

Q. And knees ? A. Yes, sir.

By Mr. LIVINGSTON :

Q. Why were not the knees and elbows like the rest ? A. Because they were white like a dead man.

Q. Was there any evidence that fluid had been on those parts ? A. Not a particle.

Q. And don't you account for it that the rest of the body had been submerged and these portions escaped ? A. Only by theory.

By Mr. RAINES :

Q. After the physicians found this man hanging, and had taken him down and put him in a bath, and used ammonia and other appliances, by injections or otherwise, to resuscitate, and hadn't succeeded, would you still be of opinion that death was occasioned by putting in that bath ? A. I would not say that death was occasioned by the person being put in a bath, but I think the heat of that water was sufficient to have killed the man.

By Mr. LIVINGSTON :

Q. A man that was well and alive? A. Yes, sir.

Q. There wouldn't have been any object in putting a dead man in the water? A. No, sir; I think not.

By Mr. RAINES :

Q. The putting of the body in the hot water would be one means of coming to the conclusion whether there was any possibility of restoring the body, if it was properly applied? A. It is one of the means used.

By Mr. LIVINGSTON :

Q. You would not have put the man in water of sufficient temperature to kill a man with nothing the matter of him. A. Not if I knew it.

By Mr. FARRAR :

Q. How much of the skin was so that it would move with pressure of the hand, or was it the whole skin that was loosened? A. You could take it like that and drive right ahead with the folds, moving the whole dermis right down.

Q. How much of the skin would move? A. Right down to the capillaries.

Q. The dermis is the lowest skin of the body? A. Yes, sir, there are three layers of skin.

Q. Have you ever seen a still-born infant that was put into warm water and seen the effect upon the skin? A. No, sir.

By Mr. KEYES :

Q. Have you frequently been spoken to with reference to this case, and conversed upon it frequently? A. Dr. Sanborne and I talked the matter over, I think, upon the day of the post-mortem, and several times afterward; from that time to this I never had any conversation with anybody, except with the father of the boy, who once came to the office to see Dr. Sanborne, and I think I simply let him into the room where the doctor was, but that I had no conversation.

Q. You gave him no expression of opinion as to the cause of death? A. No, sir.

Q. Or cause of the peculiar appearance of the body? A. No, sir; never did.

By Mr. RAINES :

Q. You don't want the committee to understand that your theory is that the body, in addition to being frozen and thawed, that it must have been boiled? A. I never saw a body where the skin would slip as in this case, except where decomposition was well-defined, which was not the case with this body.



By Mr. LIVINGSTON :

Q. Your principal occupation is in the dissection room? A. I have been prosector for over two years.

By Mr. FARRAR :

Q. Do you know anything of the letters written by Dr. [Sanborne to the Reformatory? A. No, sir.

By Mr. KEYES :

Q. Have you had any correspondence with the officers of the Elmira State Reformatory on this subject? A. No, sir.

By Mr. RAINES :

Q. Assume that he died four days before you saw him, would you expect to see any discoloration of the body? A. Might get it on the back.

Q. Liable to about the stomach in certain cases? A. Yes, sir; when decomposition sets in.

Q. Those discolorations are evidence of decomposition? A. They are, sir, as a rule; bodies do not destroy as fast in cold weather, and sometimes we have a body on a table for ten days before we get discoloration at all; it depends upon what the party dies with somewhat.

Q. Some parts of the body decompose a great deal faster than others? A. It depends a great deal on the condition in which they die.

By Mr. LIVINGSTON :

Q. Wouldn't a much higher temperature of water be necessary to produce this reddening, in the case of a person in whom the circulation was merely stopped, rather than in the case of a man who was put in with a full, natural circulation? A. I should judge it might be.

*James Hughes* called as a witness.

By Mr. KEYES :

Q. Will you be sworn, Mr. Hughes? A. I don't see what I have to swear to.

[Mr. Hughes sworn.]

Q. Where do you reside? A. Albany.

Q. How long have you been a resident of Albany? A. Thirty-two years.

Q. What is your business? A. Policeman.

Q. You are the father of the young man, Hughes, to whom reference has been had in this investigation! A. Yes, sir.

Q. Will you state to the committee the facts and circumstances, as far as known to you, concerning the condition of the body of your son, and the results of the post-mortem examination when the

body was brought here from the Reformatory? A. Well, sir, I wasn't there at all; I saw it after I got home that morning; that morning I opened the coffin and saw the condition it was in.

Q. Was the body clothed when it came here? A. Yes, sir.

Q. It arrived here when? A. On Monday morning. He died Saturday noon and it arrived Monday morning about five o'clock.

Q. When was the post-mortem examination held? A. Monday afternoon about two o'clock.

Q. The examination took place on the same day the body arrived? A. Yes, sir.

Q. You remember the day of the month? A. The second day of February, 1880.

Q. That was the day the body arrived here? A. Yes, sir; arrived on the 31st of January.

Q. What was the condition of the weather at that time? A. At the time it was cold, about down to zero at the time I got him home.

Q. The body came through upon a train? A. Yes, sir.

Q. Having left Elmira Sunday night? A. Yes, sir.

Q. And when you saw the body it was invested with its clothing? A. Yes, sir.

Q. Did you remove the clothing? A. Part of it.

Q. To what extent? A. Across the body here and on the arm; myself and the undertaker.

Q. That was the only occasion you saw the body? A. Yes, sir.

Q. What did you find to be the appearance of the body so far as you examined it on that occasion? A. Just as the doctor states, the skin was all peeled off from the body, the portion I saw.

Q. Did you place your hand upon the skin? A. No, sir.

Q. Was there any signs of abrasion, or was the skin broken at any point? A. Yes, sir; the skin would peel off.

Q. How large a space was the skin peeled off? A. About the size of a dollar piece in several patches, on the chest as far as I seen.

Q. Any knowledge as to the cause of the peculiar appearance which the body presented? A. No, sir; I have not, no more than what the doctors said.

Q. Have you ever seen any other body in that condition? A. No, sir.

Q. Have you had any correspondence with the officers of the Elmira State Reformatory concerning the case of your son? A. Yes, sir.

Q. You have received letters from whom? A. Mr. Brockway is the only one I received letters from.

Q. Superintendent of the institution? A. Yes, sir.

Q. Did you write him? A. Yes, sir.

Q. Before he wrote to you? A. No; I had a letter from him the day I got the boy home.

Q. How many letters in all have you received from him? A. I don't know sir.

Q. How many letters have you written to him? A. That I don't know.

Q. You have had considerable correspondence on this subject?

A. Yes, sir.

Q. Have you the letters which you received from him? A. Yes, sir.

Q. Have you copies of the letters which you wrote to him in reply? No, sir.

Q. Can you produce the letters Mr. Brockway wrote to you? A. Yes, sir.

Q. Have you them with you? A. Yes, sir.

Q. Please present them? A. There is one of them.

Q. Let us take them in the order in which they came to you, if you will? A. There is the first one; those two came together; there is another; I guess that is the last of all.

Q. They came in this order then, January 31, March 10, April 30, 1880? A. I think so. Letter of January 31, 1880, marked "Committee's Ex. A. F. H. H." Second letter marked "Ex. B." Third letter "Ex. C."

The letter of January 31, 1880, was here put in evidence and read by the chairman as follows:

ELMIRA, Jan. 31, 1880

Mr. J. HUGHES, 37 Third street, Albany, N. Y.:

You have already been apprised, through Superintendent Pilsbury, of the suicide of your son William, at noon to-day.

When I wrote you recently of his unfitness for release, I had no thought that he would so soon demonstrate his mental unsoundness (or insanity), he went to work drawing brushes this morning and came in with the men at noon, not going to the dining room but to his own room instead. Twenty minutes afterward he was found suspended by the neck to the upper post of his door, he having used a part of a sheet for a rope. He was immediately cut down and the doctor made every effort to resuscitate him, but without success. I have ascertained lately that he was addicted to self-abuse, and no doubt his always weak mental faculties have been further impaired thereby, terminating in the way it has. We had a coroner's inquest, examining into the facts, and though I have not seen the verdict, it must be substantially as the before stated facts will suggest. I will forward the remains to you to-morrow morning, and will telegraph Chief Malloy, when they are shipped; we will pay the expense to Albany.

I know full well how your mother's heart is pained by this sad event, and though I believe William is better off than if alive and that you never would have enjoyed any comfort with him, I sympathize with your grief and hope the unfortunate life that has so sadly terminated, may be a lesson to his brothers and sisters, and other young friends, if any of them are careless in their way of living.

Very respectfully yours,

Z. R. BROCKAWAY.

ELMIRA, *March* 10, 1880.

JAMES HUGHES, 37 Tenbroeck street, Albany :

Sir — Your son was subjected to no blistering or other medical treatment for some considerable time before his suicide. He was at work the forenoon of the day on which it occurred. I refer you to the physician for the more particular information you want. His address is, Dr. H. D. Wey, M. D., Elmira.

The raw places you see on his skin were caused by efforts to restore him to consciousness by hot baths and rubbing, all done in the presence and under the directions of the doctor.

Respectfully yours,

Z. R. BROCKWAY, *Gen'l Supt.*

ELMIRA, *April* 30, 1880.

JAMES HUGHES, Esq., Tenbroeck place, Albany, N. Y.:

Sir — Replying to yours of the 26th, I have no means of procuring for you a copy of the verdict you name.

You are foolish to write me such letters. There is no ground for your nonsense upon this subject.

Yours,

Z. R. BROCKWAY, *Gen'l Supt.*

Q. Did you answer the first of these letters? A. Yes, sir.

Q. You have no copies of your letters? A. Not that I sent to him.

Q. Did you answer the second letter? A. No, sir.

Q. The second letter was written in response to a letter written by you to Mr. Brockway desiring a copy of the coroner's verdict?

A. Yes, sir; Dr. Sanborne wanted a statement of the inquest.

The third letter was written in reply to a letter addressed by you to Mr. Brockway? A. Yes, sir.

Q. How long had your son been an inmate of the Elmira State Reformatory? A. He had been there about eleven months.

Q. Had you visited him there during that time? A. No, sir; I had a letter once a month from him, though.

Q. Have you copies of the letters he wrote you while an inmate of the institution? A. I guess there is some at the house.

Q. Have you the original letters he wrote? A. Yes, sir.

Q. Have you them with you? A. No, sir.

Q. You have preserved them all? A. I don't know whether I have all; there is some of them.

Q. Will you furnish them for the use of the committee? A. Yes, sir; what I have got I will.

Q. Please furnish them at a future session? A. Yes, sir.

Q. Was your son ever released on parole while an inmate of that institution? A. No, sir.

Q. How old was your son at the time of his death? A. Twenty years and three days old.

Q. A young man of good physical development? A. Yes, sir.

Q. What was his ordinary weight? A. That I don't know. He was smaller than any of the rest of the family. There was some kind of trouble always with him, he never was very bright.

Q. Was he generally, prior to his being sent to Elmira, in robust and vigorous condition? A. Yer, sir.

Q. Brockway states that Saturday he was not at work after noon?

A. He wasn't at work at all that day.

Q. Have you any personal knowledge on that point? A. There is a letter there that will tell that.

Q. Do you know of your own knowledge, or do you get it from others? A. I got it from others; I am satisfied he wasn't at work that day, as Brockway says; I knew from the man, an instructor there, his brother-in-law I think, is there now; I have a letter from him, but he is dead.

Q. Higgins has a brother-in-law there now? A. Yes, sir.

Q. What is his name? A. I don't know.

Q. A brother-in-law of D. C. Higgins? A. Yes, sir.

Q. He is also an instructor? A. Yes, sir.

Q. You mean a teacher? A. No, sir; a molder.

Q. Is he a convict? A. No, sir.

Q. Have you any personal knowledge, Mr. Hughes, of the management of the Elmira State Reformatory? A. No, sir.

Q. Never been there? A. No, sir.

Q. Never visited the institution? A. No, sir.

By Mr. CLAPP:

Q. What was the color of the portion of the body that you saw when you first examined it? A. Well, of course where the skin was off was red, and the other portion was its natural color.

Q. What color was it where the skin was not rubbed off? A. White, the natural color.

Q. The places where the skin was rubbed off was about the size of what? A. About the size of dollar pieces.

Q. How many such spots were there? A. I don't know, sir.

Q. About what proportion of the body that you saw, was in this rubbed-off condition? A. All his chest.

Q. Half of it? More than half.

Q. Where it was rubbed off the color was what? A. Red, and between the spots was the natural color, white.

By Mr. FARRAR:

Q. Did it look as though it had been rubbed? Yes, sir.

Q. Was it rubbed clear to the flesh, and bloody? A. No, sir; but looked red.

Q. Did you write to Dr. Wey? Yes, sir.

Q. Did you get an answer from him? A. No, sir.

Q. Do you remember what you wrote to Dr. Wey? A. I do not know.

Q. Couldn't tell now? A. No, sir; the purport of the letter was what was the cause of that appearance.

By Mr. RAINES:

Q. How much of the clothing did you remove? A. Just over the breast and down his body.

Q. Did you examine his elbow? A. Yes, sir; one elbow.

Q. On that one elbow you found some of the skin rubbed off? A. Yes, sir.

Q. That elbow was what color? A. Red.

Q. Right where the skin was rubbed off? A. Yes, sir.

Q. The rest of the arm what color? A. White.

Q. How many spots do you think there were on the breast, spots that were red? A. I couldn't say.

Q. About how many? A. I suppose there were probably a dozen, as far as I stripped him down.

Q. Did you strip him to the waist? A. Yes, sir.

Q. They were about the size of a dollar? A. Yes, sir; some larger and some smaller.

Q. The balance of the skin white? A. Yes, sir; the natural color.

By Mr. FARRAR:

Q. Did you see him after the post-mortem examination? A. I saw him in the coffin.

Q. That was after he had been examined? A. Yes, sir.

Q. How long after? A. Right away after; saw him put in the coffin.

Q. That was the same day they received him here? A. Yes, sir.

Q. You say the body was white except those spots? A. Yes, sir.

By the CHAIRMAN:

Q. What time was it on the morning of the day of the arrival of the body that you made this examination? A. About six o'clock in the morning.

Q. The post-mortem did not take place until two o'clock in the afternoon? A. Yes, sir.

Q. The same day he arrived? A. Yes, sir.

Q. Where was the body kept from the time it arrived here until the post-mortem took place? A. Undertaker's room.

Q. Was the room where it was kept heated? A. No, sir.

Q. Was the room at a temperature where a body if frozen would remain frozen? A. Yes, sir.

Q. Was there a fire in an adjoining room? A. No, sir.

Q. Do you remember what was the temperature that day? A. I couldn't really say; in the morning it must have been down to zero, when I brought him home first.

Q. Who else saw him at the time you speak of, with you? A. The undertaker, George Campion.

Q. Did his mother or any of the children? A. No, sir.

Q. Campion resides in Albany? A. Yes, sir.

Mr. KEYES :

Q. Do you know of any one else who saw the body that morning? A. Not at that time; all that saw him afterwards was the doctors.

Q. In the afternoon? A. Yes, sir.

By Mr. FARRAR :

Q. That is the only time you saw him was when you saw him with the undertaker in the coffin? Yes, sir.

Q. You didn't see him after the post-mortem examination? A. No, sir.

Q. You saw him as he lay in the coffin? Yes, sir; I saw him when he was brought to the house, of course.

Q. After the doctors got through and before he was buried, did you see him again? A. Yes, sir.

Q. Did you see anything more than the face then? A. No, sir.

Q. What was the appearance of the face? A. It was natural then; I closely examined his neck at that time.

Q. That is the first time you speak of? A. Yes, sir; because we saw no marks of violence at all on him.

Q. Did you see any marks about his throat? A. No, sir; I saw no marks of it, and we examined him closely, too.

By Mr. LIVINGSTON :

Q. Did you ever receive any letters or any communication from your son as to the treatment he received at the Reformatory? A. No, sir; he never wrote that he was treated bad; if he wrote anything like that it would be erased out.

Q. Did you state to me you had a letter from one of the instructors? A. I have that now.

Q. In that was there any reference to his having fainted, and being led out to work between two men and compelled to go to work?

By Mr. RAINES :

Q. The man that wrote that letter is dead?

*Witness* : No he isn't.

Q. Is D. C. Higgins alive? A. No, sir; D. C. Higgins is dead.

Q. By whom is this letter written? A. By his brother-in-law.

Q. Did the man who makes the statement there—is he in condition to be subpoenaed before this investigation? A. I suppose he is; he is at Elmira.

Q. The person who makes this statement to Higgins? A. Yes, sir.



Q. He is an instructor there? A. Yes, sir.

Q. Can you give the man's name? A. No, sir.

Q. That is a brother-in-law? A. Yes, sir; a brother-in-law of D. C. Higgins; this letter is by an outside party, stating certain things they said to him, and he is there and can be examined.

Q. Do you know anything about the original letter of which that is a memoranda of the contents? A. That is the contents of the letter; he is a Troy man.

*Dr. Patrick J. Keagan* sworn.

By the CHAIRMAN :

Q. You reside in Albany? A. Yes, sir; I do.

Q. And are a regularly licensed physician? A. I am.

Q. And have been for how many years? A. Six years.

Q. Practicing in the city of Albany? A. I have, since 1876.

Q. Do you remember the case of a young man by the name of Hughes? A. I remember to have seen his body here.

Q. When? A. I think it is two or three years ago; I don't know the exact date; I didn't know what I was coming here for, or I might have known more about it.

Q. The young man referred to was the son of Mr. Hughes? A. Yes, sir; I think it is two years since.

Q. You were present at the post-mortem examination? A. Yes, sir.

Q. And assisted in making it? A. I did.

Q. Were you the principal in the operation? A. I don't remember that; I have forgotten whether I made it; I was one of the coroner's physicians.

Q. You were present during the whole of the post-mortem? A. I was.

Q. The body was exposed? A. I didn't make the post-mortem, but made notes of the facts as I saw it at the time; I was there as an observer and as the coroner's physician.

By Mr. RAINES :

Q. Allow me to raise a point; there has been a letter introduced here which has gone into the possession of the Chairman; that letter was shown to the gentlemen who were invited to participate in this investigation; if he deems it fit and proper, and within the bounds of courtesy, to make known the contents of a letter not in evidence, a letter which is simply hearsay, and, so far as we know yet from any evidence in this case, is based on no facts whatever—if he sees fit to take such a course in this committee, and in the presence of the committee, I shall bring the question before the committee as to whether he shall further continue with the committee in this investigation.



By Mr. FARRAR :

I heartily concur in what is said by Mr. Raines ; I do not think the press ought to be allowed that letter, as it is not here before this committee as evidence ; it seems to me that letter ought not to go to the people till it is known to this committee by competent and proper evidence whether it is true or false.

By Mr. KEYES :

I concur in the position of the gentleman on this subject ; the communication of its contents to the press I should deem a great impropriety.

*Examination of Dr. Keagan resumed.*

Q. During the post-mortem the clothing was wholly removed from the body ? A. Yes, sir.

Q. You saw the body exposed ? A. Yes, sir ; saw every portion of it.

Q. Please describe the appearance of the body at that time ? A. The skin, I think almost all over the body, except the hands, and I remember the knees, just the top of the knees and head, if I remember right ; all the rest of the body, except that, had a peculiar bright red color ; I think on the legs and arms, and I believe on some portions of the body the skin was peeled off as though after an immersion in hot water, through scalding, it had been chafed or rubbed off ; the top of the knee-caps and hands, and of course the head, hadn't that red color, and the skin wasn't as readily removed as from the rest of the body ; I think it was red there ; it is so long since, I have forgotten the exact localities ; I don't know that I have the notes I made ; I probably could get at them, but I have no notes now of the facts, and what I do remember now is as to certain portions of the body ; that there were bruises, but that they were on the chest or abdomen, I don't remember ; still I think they were.

Q. Did you see the body any other time than during the post-mortem examination ? A. No, sir.

Q. The post-mortem took place about what hour ? A. Early in the afternoon, about three or four o'clock.

Q. How long a time did it occupy ? A. Post-mortem usually occupies about an hour, and I think that occupied about that. The internal organs were examined.

Q. Was it made in a warm room ? A. No, sir ; room of ordinary temperature, I think rather cool.

Q. Fire in the room ? A. I don't know.

Q. Was it in the undertaker's ? A. In Campion's shop.

Q. Did you remain with your hats and overcoats on during the operation ? A. I don't remember.

Q. Do you remember whether the room was comfortably warm ? A. It was, so far as I know ; I don't remember anything different.

Q. Did you arrive there before the post-mortem commenced?

A. I think I was not there when it first begun; if I remember right Dr. Boss made the post-mortem and I think he had commenced it when I arrived.

Q. Was the body lying on the dissecting table when you entered?

A. Lying upon a stretcher, not in a box.

Q. You don't know how long the body had been lying in this exposed condition? A. No, sir.

Q. From the appearance of the body could you form any judgment as to the cause of that appearance? A. In my judgment it was caused by immersion of the body in warm water; any heated substance rubbed over the body might cause it, and ammonia might cause it, or some other irritants, but the fact the knees did not have that scalded and red appearance, and the hands were not in the same condition, led me to think that the body was in a bath where the bath-tub was short, and consequently the knees set above the water, as also the hands and head.

Q. Have you had any experience with respect to the effect of immersion of dead bodies in hot water? A. I have not; I have plunged new born infants, supposed to be dead, or nearly so, into water, in order to restore life by the shock, and then plunged them into water at 100 or 110, not above that; above that I would consider a fatal temperature; and from that into cold water, and so alternately, Plunging it into warm water makes it assume a bright, livid appearance, and plunging in cold water would have the opposite appearance.

Q. Has the red appearance where life is extinct? A. I don't remember that. The child was just born; it was questionable whether life existed or not. In order to compel it to breathe by the shock it was plunged into warm water first and then into cold water. The warm water invariably produces this condition; whether it was dead at this time I do not remember, it was not an experiment.

Q. Would the effect be produced by immersion in water at 115 degrees? A. Yes, sir; it would if the body was kept there a short while.

Q. Do you deem a temperature of 110 excessive for resuscitation of the body in a state of inanition? A. No, sir; take 110 degrees if the body was left but a short while; if it was kept in there for more than a few minutes, possibly less than three. I think if it is there more than three. I think instead of having a stimulating effect it would have the opposite effect. I think 114 or 115 would be fatal.

Q. If in your practice you were called upon to attempt the resuscitation of a person in whom life was supposed not to be yet extinct, how would you test the temperature of the water? A. By a thermometer, I would not trust my hand; I think that with experience I would know the temperature of about 100 degrees, but I would not trust my hand. I have my pocket thermometer always with me which will show 110 degrees.

Q. Do you say that you have no practical experience going to show the result of the immersion of a body already dead, in water at one hundred and ten degrees? A. I have not had any such experience.

By Mr. RAINES:

Q. In all the cases you speak of you tried that on infants, and have you always succeeded? A. No, sir; I have lost a case sometimes, and I have succeeded in others, but in no case do I remember the skin came off.

Q. If in the case you lost you produced the reddened condition of the skin? A. Just at the time the immersion was done the infant may not have been dead; if I didn't suppose I heard the heart beat at the time I would not do this, although I might be mistaken. I remember one case we worked on a man two and a half hours, supposing him to be alive; and I afterward learned that I was listening to my own temporal artery.

Q. If he turned out to be dead you would still expect to find that reddened appearance? A. No, sir; I don't know that I would expect to find it; I don't think I would expect to after a short while.

Q. If you did it almost immediately? A. The appearance has been — I don't remember a case where the reddened appearance did not show itself.

By the CHAIRMAN:

Q. Do you say that if life had been already extinct in the case of the boy Hughes at the time of his immersion in the hot bath, that the reddened appearance of the skin would not have existed? A. I don't know; I have had no experience in that direction.

Q. Did you observe the appearance of the neck, or of the neck and lungs particularly? A. I think the neck had the appearance of pressure; I think there was an appearance of some pressure about the neck, but whether that was done by something in the coffin, or in taking him out, might be a question; but I think there was some marks of pressure upon his neck.

Q. Reference has been had by one of the witnesses to the appearance of the trachea, did you observe the condition of it? A. I don't remember it now.

Q. Did it have a congested appearance? A. I don't remember.

Q. Or of the lungs? A. I don't remember.

Q. Was there anything said during the post-mortem as to the cause of death? A. Yes, sir; there was very much discussion during the time as to the probable cause of the condition of the body; whether the redness would be produced by an immersion in a bath, or whether by some other means; or whether the body could have been dead or alive during the time of immersion; I don't remember that I took any part in the discussion, but I remember that there was some talk of this matter.

Q. Does it often happen that bodies assume this reddened appearance after death, where death has occurred from ordinary causes?

A. I never saw any such condition unless in cases where the man was frozen; died from exposure, been frozen to death; such a case occurred during the last winter in this city; the man died from exposure; he was a stout, healthy, fine-built fellow, and he had a red appearance, but the skin didn't come off; he had a bright red appearance.

Q. Assuming that life was not entirely extinct in the body of the boy Hughes at the time of his immersion in the bath, and that life did not become extinct until possibly some hours afterwards; and and that then, the body being placed upon the cars to be transferred to Albany, became frozen, and that life became extinguished and in consequence finally of the freezing; would the reddened appearance then be likely to have existed? A. I think if the reddened condition existed at the time of the freezing it would remain.

Q. Ordinarily, how soon does death take place by hanging? A. That depends upon the method, and the injury done by the dropping; if he dies by strangulation I think the usual length of time is about fifteen or twenty minutes, but if the vertebra is broken it would be less.

Q. Was there any thing in the condition of the body that enabled you to determine whether death took place by hanging or by immersion in hot water? A. No, sir; nothing so far as I know.

Q. For aught that appeared to the contrary in the condition of the body, might the death have taken place by hanging, by strangulation? I don't think death took place in this manner; nothing to make me think it did; I have seen bodies that died from strangulation, the tongue was always enlarged, swollen and blackened, eyes protruded, and other marks that are not shown in this case; it did not occur to me at all that death took place in that manner.

Q. You didn't understand at the time of the post-mortem that the boy committed suicide from hanging? A. I didn't know it from the condition.

Q. As a matter of rumor? A. As a matter of rumor I think something was said about it; but there was nothing to lead to that conclusion so far as I remember.

Q. Did you see the body after the post-mortem? A. I don't think I saw it afterwards at all; just saw it that one single time; I didn't see it afterwards nor before.

By Mr. FARRAR:

Q. Assuming that the boy was dead — had died by strangulation or otherwise by hanging, and ammonia or brandy had been injected under the skin to resuscitate, would it produce that red appearance of the body? A. I think ammonia would produce a red appearance of the body, but not from injection. There were no marks to show injection of ammonia had been made.

Q. Suppose it had been rubbed over the surface of the skin, is that good practice in a case of this kind? A. I should think not; I do not think enough would be absorbed, and it would destroy the surface. Take a lady's thimble and put a single drop of ammonia on cotton, and turn the thimble over on the surface of the skin, and it will take the skin off; it is good practice to inject brandy, but I never injected ammonia; I think that is bad practice.

Q. What effect would it have if brandy was injected? A. Act as almost an immediate stimulus.

Q. Suppose it was spilled over the surface of the body? A. Brandy would not produce that condition, I think, but I think ammonia would, put on in large quantities.

Q. Did you ever know of it being used in that way? A. No, sir; but I simply gave my judgment from the action of ammonia; it is a caustic irritant.

Q. Suppose this body arrived here in the morning, having come from Elmira to this city, would there have been, in your judgment, any change from morning till afternoon, when your examination took place, the post-mortem, as to the appearance of the body? A. Under certain conditions, yes; I don't remember the date when the body was here, nor the weather.

Q. The thermometer was at zero? A. I had forgotten almost entirely about it.

Q. Under those conditions do you think there would be any change in those few hours? A. I think not.

By Mr. RAINES:

Q. You say you don't remember you observed any marks about the neck that would indicate this man died from strangulation? A. I have said so.

Q. What are the symptoms in the absence of any marks of that kind, that would enable you to determine, on post-mortem, whether he had died of strangulation or not? A. In making a post-mortem of the larynx and trachea and lungs, in strangulation there is almost invariably a frothy mucous throughout its entire length. I have made several post-mortems under such conditions, two within a year and a half, two within a year, three where people were choked to death in attempting to swallow, one was attempting to swallow a piece of pork about as long as my two fingers, one portion went into the larynx and the other into the esophagus, and he was choked instantly, and I observed that there was present this frothy mucous; I remember the livid condition of the upper portion of the body; and in another case, in the same manner, a man was strangled by attempting to swallow a piece of corned beef, and I saw the body and it had a congested and livid appearance, and that remained until I made the post-mortem on the following day; he was dead then twenty-four or twenty-eight hours; I found the frothy mucous through the trachea and lungs; it appeared this piece of corned beef had stopped just at the head of the larynx, thereby shutting off

the wind; throughout the trachea, as well as the larynx, and down into the larger bronchia, was found the frothy mucous.

Q. Do you in such cases find the vessels of the brain congested?

A. Yes, sir.

Q. Did you find any congested appearance in the larynx in this subject? A. I think they were congested, but I don't remember enough to say.

Q. Did you examine the brain? A. I don't remember.

Q. Have you the notes of the examination? A. I don't know that I have; I made notes of it; I do not preserve them unless there is some special object; I am compelled to go before the coroner's jury and report to them; I think, as a general thing, I throw them away.

Q. Was this examination made before a coroner's jury? A. No, sir; but I assume a coroner's jury held an inquest afterwards.

Q. Were you called by the coroner? A. No, sir.

Q. Was there any inquest here? A. In this place?

Q. At Albany? A. Yes, sir; I think so.

Q. Were you examined on the inquest, or before the inquest? A. I don't remember, but I think I was; I was there in my capacity as coroner's physician, and in all probability I was called to testify; unless there is some object in keeping the notes afterwards, I don't do it.

Q. Can you recollect now whether the physicians came to the conclusion that death had been occasioned by any specific cause?

A. I don't remember.

By Mr. KEYES:

Q. Was Dr. Burton present with you at the post-mortem? A. I don't remember; I remember Dr. Boss, being there, and Dr. Sanborne; Dr. Burton was one of the students at the time; possibly he was there at his invitation; but I don't remember if he was.

Q. Were there several persons in the room? A. Yes, sir.

Q. Dr. Burton might have been without your observing him? A. Yes, sir; no doubt I knew of him being there at the time, but it has passed from my mind.

By Mr. RAINES:

Q. Don't you think if you had any doubt about the occasion of the death, whether it was by hanging, you would have examined the brain? A. Under ordinary circumstances I would have; to a certain extent the matter was taken out of my hands and put under the control of Dr. Boss and Sanborne; Sanborne and I are not very friendly; he does not know me in the street, and inasmuch as he had control of it, I was, to a certain extent, indifferent; I went according to orders, and found some one else doing the work; there was that thing that made me not remember it as well as I would if I had done all the work.



Q. Suppose a witness had sworn that in the morning of that day you held the inquest, this body, except where the skin had been abraded or rubbed off, presented a white appearance, and you on your examination in the afternoon found a red appearance, what would have been your opinion as to the cause of the change? A. possibly freezing; if the body was put on ice, or ice and salt, it might have been; freezing after the death and before the blood had been absorbed; when ice is left directly on a dead body it will produce a red spot, even when it is frozen; I speak of the case which occurred last winter where the person was frozen to death and he bled freely after he was thawed out.

Q. Was this body packed in ice? A. I think not.

Q. That would account for it? A. No, sir; I think that wouldn't cause the skin to come off; it was my opinion that whatever produced the redness caused the looseness of the skin.

Q. Suppose a body, lifeless, is put into warm water, will it not affect the skin, if it is lifeless and there is no circulation? A. Much depends upon how hot the water was.

Q. Take 110? A. I think 110 would produce congestion, but I do not think it would loosen the skin.

By Mr. RAINES:

Q. Would not freezing and thawing after death loosen the skin? A. I don't know that it would.

Q. What is your opinion, being put in water say at 110, and taken out and frozen and thawed, wouldn't it loosen the skin? A. I think it might, although I don't think it would.

By Mr. CLAPP:

Q. In your judgment do you say if life was extinct at the time the body was immersed in water and the degree of temperature was 110, it would not produce redness? A. I think it would.

Q. Even if life was extinct? A. I think so, unless life had been extinct for a very long time; within twenty minutes or half an hour it would produce the redness I think, even if life was extinct; I have no experience in that matter.

Mr. LIVINGSTON—Mr. Chairman and gentlemen of the committee, there has been here in this investigation quite recently, an accusation made against myself—

Mr. RAINES—I wish to say here that before the gentleman proceeds further, I move we go into executive session.

The CHAIRMAN—It is moved and seconded we go into executive session. We will now go into executive session.

Mr. LIVINGSTON—I had already read that letter in the Assembly chamber in the presence of the reporter, and he knew the contents of it.

Mr. FARRAR—It seems to me that it is proper for Mr. Livingston to make an explanation of this matter.

Mr. RAINES—I don't want an argument of that kind if one arose. I am perfectly willing the reporter should hear what he has to say, but I don't think it is right; I will say to the gentleman I don't think it is right under the circumstances, considering the investigation, that there should be sent all over this country statements of various kinds, till there is some evidence to back them up unless they are sworn to. Now I know how enterprising the gentleman is, and that it is his business to get all the information in any way he possibly can; there is not the slightest reflection on him, for it is his business to get all he can in any way he can, but I raise the point that while we are glad to have him here, that he should not, nor anybody should not, send information of that kind throughout the country unless there is some evidence of it, or unless it is sworn to.

By reporter, Mr. SHANKS—I am authorized to get information wherever I can, and I wish to say that when Mr. Livingston leaned over my shoulder, and you rose to the point, he was talking about something very different, and he gave me the information last week. Why don't the sub-committee take this letter and investigate other places than through Mr. Brockway? Mr. Raines made the point I should seek my news wherever I could get it, and upon that point rather handles me, and I think I had a right to retort that the committee should seek their evidence wherever they can.

Mr. LIVINGSTON—I desire to say to Mr. Keyes, and Mr. Raines, and Mr. Farrar, and all the other gentlemen here present, I would be the last one, I think, to be guilty of such a professional discourtesy as to divulge the contents of any letter or writing, or of any information of which I came possessed in the manner in which the gentleman thought, or he would not have made the remark.

Mr. KEYES—I have nothing to withdraw in the language I used.

Mr. LIVINGSTON—Mr. Raines would not have accused me of giving evidence to the reporter in such a manner as he did, unless he supposed I had read that letter, and then, contrary to the wishes of the committee, had divulged it to the reporter.

Mr. FARRAR—That is what I supposed you did.

The CHAIRMAN—That I meant to say was an impropriety.

Mr. LIVINGSTON—This is a mistake in fact, and therefore I am not at all offended in my feelings. Mr. Hughes came into the Assembly chamber and I read those letters before I stated anything at all about making my original resolution. I had been over and talked with Mr. Shanks before we came down to the room at all, and the only thing he wanted when I went over to talk with him, was to know if I couldn't get the letter so as to get it verbatim, instead of the contents, which I stated on my recollection of it.

Mr. RAINES—I thought you were doing wrong. You asked Mr. Hughes if he had a certain letter, and Hughes says "I have had." I handed you this letter at your request, and it was decided by the committee that that letter would not go in evidence. I had a conversation with the reporter and he said, "I will get that letter." I says, "I don't know about that," and when I noticed the conversa-



tion at once I thought he was getting the contents of it from Mr. Livingston. If he were getting it in that way it was not just the thing for Mr. Livingston to give it to him, but with Mr. Livingston's statement I make no reflection upon him.

The REPORTER—I said, "Why shouldn't this letter be put in as an exhibit, to ascertain, if possible, what might come of it."

Adjourned to Elmira, March 24, 10 A. M.

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ELMIRA, N. Y., *March 24, 1882.*

Present Mr. KEYES, Mr. CLAPP, and Mr. FARRAR, of the sub-committee; Mr. McDONOUGH and Mr. SHELDON of the States prison committee.

Mr. BROCKWAY—I ask the privilege of making a statement, a request in the nature of a privilege. Our conduct will warrant me in saying that the freedom with which we have thrown open our doors is an unprecedented thing; we have let in a lot of reporters and persons in some way attached to the committee, to go through the workshops during the hours of labor, a thing so much out of the usual course in a prison of this kind, that even a company of citizens going through that way would produce more or less excitement. On last Saturday there was sown, I trust through ignorance, seeds of dissension that seriously disturbed us, which endangers the safe-keeping of the prisoners, and has stirred up a condition of opposition to lawful authority; a very questionable thing was also done by a reporter, I judge, for I see in the Sun of last Monday, a letter written by a prisoner, an anonymous letter, said to have been given to a member of the committee, which I don't believe; that letter had never been before the committee at all. Are we to turn into the institution a prosecuting officer and a lot of irresponsible people, to take the questionable statements of our prisoners and send them to the press of the country before we have an opportunity of examining them, and before they have been presented to the committee? I say it is an outrage; it is the first one in which the press have been admitted at all, and I object to the garbled statements sent out. The testimony taken last Saturday was published with reasonable accuracy, except in the Sunday Telegram, an unscrupulous little sheet here that stated that I said there had been but ten punishments in the last ten days, and put in for the ten days the figures 10, so nobody need misunderstand it, and the whole article was a scurrilous and improper one. I ask the protection of the committee for myself personally, who for thirty years have maintained a respectable standing as a prison officer, and I don't propose to allow it to be broken down by the press of this State without entering a respectful protest. I ask protection from the seditious influence of thoughtless, unscrupulous remarks of prisoners. I think all intercourse with the prisoners should be had by members of the committee, delegated by that purpose, and that reporters ought not to be allowed to go hunting about among prisoners for statements to distort into an article for a newspaper. On the other hand there is

nothing covered or hid but we will reveal; we have no secrets; every book, paper, memorandum, can be produced, and I would be willing to stand or fall upon a vote for the inmates of the Reformatory, if it could be taken, a secret ballot at that, without such execrable interference as was shown here on Saturday. Give the men a fair chance and let them alone, and they will sustain the Reformatory from the very beginning.

The CHAIRMAN — The admission of reporters, or the admission of any other persons than the committee to the prison last Saturday, was done not at the request of the committee, but was done after a suggestion made by myself, either to yourself or Mr. Nicks, that we had nothing to say about the admission of any of the persons other than the committee to the prison. It was a little matter of surprise that the doors were thrown so widely open. I made the suggestion that the officers of the prison might exercise their discretion.

Mr. BROCKWAY — I think the fact of these gentlemen scattering somewhat about in the prison would be injurious; we have no objection to any proper investigation of any kind upon the part of the committee.

Mr. KEYES — It is understood the committee had no desire for any further visitation of the prison. We are satisfied with the examination last Saturday. To-day we wish to devote ourselves exclusively to the work of examining prisoners in connection with this investigation.

Mr. DECKER — I think this matter was mentioned to you and some others with reference as who should be admitted as reporters, and of course we were delicate about interfering.

Mr. KEYES — You spoke about the admission of reporters. I think the whole matter has been sufficiently discussed. The committee, this morning, came to the conclusion that it might be advisable to conduct this examination of the prisoners, to-day, apart both from the officers of the institution and from the reporters. We had about reached that conclusion. On conversing with the gentlemen of the press who are present, some of them, it was suggested by them that our wishes would be regarded with regard to the publication of the testimony. We feared lest a wrong impression might go forth if the testimony of the prisoners taken to-day go to the public without the answer of the authorities of the prison to accompany it, that the evil arising from the statements of the prisoners, if they were erroneous, might go where the antidote would never reach, and the officers be seriously prejudiced. It was finally adjusted upon this basis, that the reports of this examination of the prisoners were not to go forth till they might be accompanied by the counter-statements of the authorities of the prison. For that we rely upon the honor of the reporters; and I will further say, that there may be no difficulty arising upon this score. It is proposed that before the close of the examination, to-day, the authorities of the prison shall have leave to put in their statements upon the points upon which the prisoners are examined, so that if any statements go forth they

shall be accompanied by the counter-statements of the prison authorities.

Mr. BROCKWAY — I should naturally have no objection to that, provided, on the other hand, you will withdraw the prosecuting attorney. Are we to have a lawyer to skillfully put questions to men he has already conversed with, who, by doing a favor to him expect some clemency? I submit that is not fair. If you judge the prisoners might be influenced by the presence of the officers of the institution, then you can judge they will be influenced by the presence of the prosecutor from whom he expects a reward.

Mr. KEYES — The position of Mr. Livingston is not that of a prosecutor. He only represents himself; he moved the resolution in the Assembly for the purpose of this investigation, and having taken a very active part in bringing about the investigation, it was felt that it was, perhaps, due to him that he should have leave to be present with us, and upon the conclusion of our examination of the witnesses, should be allowed to propound such questions as he might desire, in order to satisfy himself that nothing was unduly concealed, and nothing kept back. It was erroneously stated in the reports of the last investigation that he appeared as counsel for the committee.

Mr. BROCKWAY — It seems incumbent on me that I should make a statement. Taking the most charitable view of Mr. Livingston's position in this matter, it is on the other hand evident that behind him there is an interest other than that of humanity, or the interest of the State in the conduct of our public affairs. Whether Mr. Livingston knows it or not, it is evident that the object of the whole inquiry is mainly to produce a public sentiment, the purpose of which is to affect, if possible, the retrial of Simmons, if by any means that should be brought about. It is only a resumption of the same tactics practiced at the original trial of Simmons, where hundreds of copies of the trial were scattered through the country. Mr. Howe's clerk told me he had no defense, and Mr. Howe said himself, "*I am very much pleased with this institution;*" he said, "*I may be called upon to attack the institution,*" but, he said, "*It is from no personal want of personal appreciation, but a high sense of duty to my client.*" I don't care to go into this at length, but there is still another interest behind Mr. Livingston. He is an active attorney in the criminal courts of New York, with more or less practice. Mr. McLellan, his friend and colaborer, is also an attorney in the criminal courts. They started out five years ago with the idea of running prisoners to this institution, and large fees were paid under the pretense that the court was influenced by the counsel to send them here, that they might get out in a short time to resume their calling. When they come and find there is but one way out they are no doubt disappointed, and don't wish to come again. With the advice of the warden of the 'tombs and a few dozen others, a plan was put up to repeal the law of 1877, to the end that these

gentlemen might again make money out of the crime they feed and fatten upon. We don't propose, unless we are compelled to by the action of the committee, to put into these men's hands any power to scatter to this State in the unfair and garbled manner in which the testimony has been already published.

Mr. KEYES — I suggest that enough has already been said upon this subject. When Mr. Brockway takes the stand he can make any statements that are proper.

Mr. BROCKWAY — I ask whether if the officers are excluded from the examination; whether the interested party is to be admitted.

Mr. KEYES — The officers of the institution are not to be excluded.

Mr. BROCKWAY — I proceeded all the time upon that idea.

Mr. FARRAR — It was upon the distinct understanding with the reporters, on their honor, that this should not go out.

Mr. CLAPP — I wish to concur, as a member of the committee, with the statement of the chairman, and to reiterate his sentiments, that each absolve themselves from the knowledge of any such acts.

*Frank H. Harris, sworn.*

By Mr. KEYES:

Q. You reside in Canandaigua? A. I do.

Q. Your business is what? A. Stenographer.

Q. Have you any knowledge of the matters referred to in this investigation into the management of the Elmira State Reformatory?

A. No personal knowledge.

Q. Have you any sources of information that might be valuable to the committee of investigation? A. As the result of an interview I think I have; that is, I suppose and believe I have.

Q. The committee desire you to state any facts in your possession, within your own knowledge, relating to the management of the Reformatory? A. I have stated I had no personal knowledge. I have heard stated —

Q. No; have you any facts lying within your own knowledge, and not hearsay? A. In the first instance I said that I had no personal knowledge of the management of the institution.

Q. Can you give us the names and address of any person who can furnish us such information? A. Perhaps it would not be out of place for me to state the sources of my information and the manner in which it was obtained.

Q. We do not wish you to go into details, but simply give the names of any persons who you believe can give us the desired information, and state briefly, the points upon which, as you are informed, there testimony would bear? A. In consequence of a conversation I had with one of the committee, he suggested to me to see a certain person and have an interview with him; I did so, and my statements simply will be a repetition of what he said. He stated that a convict, called Junior or Junius —

Q. You did not apprehend my inquiry ; I want you to give me the names of any persons whom you have reason to believe can furnish us with information upon their own knowlege? A. A colored man by the name of Junius, from Geneva.

Q. Now residing in Geneva? A. I understand not.

By Mr. BROCKWAY :

Q. I think he is still in the institution. A colored man named Junius is in this institution as a prisoner, who can furnish us information? A. Exactly.

Q. Upon what particular subject? A. Upon the subject of punishment, as I am informed.

Q. Punishment of any particular convicts? A. No, but the manner of punishment with the paddle.

Q. Give us any other name? A. Would it be proper to state any information in regard to acts of cruelty that is claimed?

Q. No; only as you can name the particular persons who can swear to it; we do not want to take hearsay matters; only as you can give us the names of the persons who can substantiate the facts? A. I think I can ; from the information I have gained, I am led to believe or suppose that there were two men who tried to hang themselves and were cut down in time to save their lives, which facts can be established by a negro ; a patrolman of the third grade discovered one of them.

Q. Have you the names? A. I have not the names ; no, sir.

Q. Was not the negro this same Junius? A. The negro was sent to the Reformatory on the charge of burglary or larceny, he was out on parole, got into a fight, and was brought back.

Mr. BROCKWAY—I think it was Junius.

WITNESS—Perhaps I have considerable on my memorandum that would not be exactly an answer to your question.

CHAIRMAN—Much of what you have would not be at all relevant to our purpose?

WITNESS—From what I have learned I could describe the aforesaid paddle.

Q. Can you give us the names of any persons who can describe it from their own knowledge? A. The party I interviewed stated this colored man could do this, he could describe this paddle. I have reason to believe that a party by the name of Hallock could furnish some information ; his first name I was unable to learn.

Q. An inmate of this institution? A. He has been ; he lives up in a little town near or just east of Hornellsville, and was once a deputy sheriff ; I think now he is on the police force in the village where he lives. I think the treatment of prisoners could be proved by him ; I would also suggest a man in the foundry by the name of Leak.

Mr. BROCKWAY—He has gone ; he is in Cleveland ; he was kicked out ; a man by the uame of Leak ; a miserable skunk.

WITNESS—Sam Rosenberg and James Snow.

CHAIRMAN—Who is Rosenberg?

Mr. BROOKWAY—He is a Hebrew driving the cart around the yard, a prisoner.

WITNESS—A prisoner by the name of Huftil; from what I have learned I hardly know how to give my testimony, inasmuch as I am allowed to answer that which I do not know, and cannot answer what I have learned, if I understand the chairman.

Q. Can you give us the names of the persons who do know these facts, and just leave it there? A. It is said that Leak could give the committee information as to a party who applied three mornings in succession to the physician to be relieved from work, complaining that he was unable to work.

Q. Are there any other names, Mr. Harris? A. I think there are, Thomas Revere. It was stated that on the fourth morning, that the person who complained of ill health and his inability to work, died suddenly while at his desk or place of work. A witness by the name of St. Leger, it is thought, could furnish some information, and James Hanshaw and Edward McClees, and James Wilson, were the names that were mentioned.

*Charles Junius* sworn and examined by the chairman:

Q. What is your name? A. Charles Junius.

Q. You are an inmate of this institution? A. I have been and I am now.

Q. You have not been discharged from the institution? A. On parole.

Q. How long have you been connected with this institution? A. About four years.

Q. Where were you sent from? A. Canandaigua.

Q. For what offense? A. Burglary in the third degree.

Q. Was it your first offense? A. Yes, sir; first one of that kind.

Q. You entered the second grade when you came here, did you? A. Yes, sir.

Q. How long did you remain in the second grade? A. Till I got the proper marks and got in the first grade.

Q. About how long? A. About fifteen months.

Q. Into which grade were you then transferred? A. Third grade first; I was in the second and then went into the third.

Q. How long were you in the third grade? A. Twenty-nine days.

Q. Then transferred back to the second grade? A. Yes, sir.

Q. How long did you remain in the second grade? A. Six months.

Q. Were you then transferred? A. To the first grade.

Q. Remained in the first grade after that? A. Six months.

Q. What was then done? A. Discharged, paroled.

Q. Been on parole ever since? A. No, sir; this is the second time on parole.



Q. How long did you remain on parole the first time? A. About five weeks.

Q. Where did you go? A. Syracuse.

Q. Come back of your own accord? A. Partly.

Q. Entered the second grade again? A. Yes, sir.

Q. How long did you remain there? A. Till the first day of March one year ago.

Q. Were then transferred to which grade? A. First.

Q. How long did you remain in that? A. In that first grade eleven months and some days.

Q. Were then parolled again? A. Yes, sir.

Q. Been on parole since? A. Yes, sir.

Q. You have had occasion to observe more or less concerning the management of this institution and treatment of prisoners here? A. Yes, sir.

Q. We want you to state now briefly and right to the point any facts lying within your knowledge concerning the treatment of prisoners in this institution? A. Well, I don't know as I —

Q. Let me call your attention to the modes of punishment; have you seen any punishment inflicted? A. Never saw any very bad.

Q. What have you seen? A. Seen a man hung up by his wrists for four or five hours.

Q. Ever seen a prisoner paddled? A. Never saw one paddled in my life; a paddle is composed of a larger tool than they have here.

Q. Did you ever see the paddle with which the prisoners are sometimes punished? A. I saw the piece of hose or piece of rubber they used.

Q. Is that the only instrument you ever saw with which prisoners are paddled? A. I can't remember as I — I saw a piece of strap down in one of the desks that was formed in the shape of a paddle, but not as large as a paddle I have seen. I have been paddled in Rochester in the workhouse, and this wasn't as large as that.

Q. Have you ever been paddled in this institution? A. No, sir.

Q. You saw in this prison a strap, a leather strap? A. Yes, sir.

Q. Which you understand has been used in paddling prisoners? A. I have seen it, but never heard it being used.

Q. You don't know it ever was used here to paddle prisoners? A. I don't know it was.

Q. Describe the paddle you saw here? A. Well, I don't know as I can.

Q. How long was it? A. I should judge about that long.

Mr. BROCKWAY — I will produce it.

Q. Was this of leather, the paddle you saw? A. I couldn't say positively, because I didn't have it in my hand; I saw it laying on the desk in the hall.

Q. Were there any holes in it? A. No, sir.

Q. Nails in it? A. No, sir.

Q. Was it a double piece of leather? A. It was a piece of leather about fifteen inches long, a smooth piece of leather.

Q. Wider at one end than the other? A. It would have to be to be in the form of a paddle.

Q. How thick was it? A. I couldn't guess within a mile how thick.

Q. As thick as my finger? No, sir; about a quarter of an inch thick.

Q. You have never seen any prisoner paddled in this institution? A. No, sir.

Q. Did you ever see any punishment inflicted except by hanging prisoners up by their hands? A. No, sir.

Q. Inside of his cell? A. No, sir.

Q. When a prisoner was so hung up could he stand upon his feet; were his feet resting upon the bottom of the cell? A. Yes, sir; and he could rest his knees on the cell door.

Q. He didn't have to hang his whole weight on his hands? A. No, sir, because I hung up that way a couple of hours.

Q. What is the effect of that punishment? A. I judge not much suffering. I stayed a couple of hours and I could have stayed another day if I had to; it made a man reflect a little bit, that's about all, nothing painful.

Q. Have you seen any acts of violence on the part of the keeper or other officers of this institution towards the prisoner? A. I never saw but one and that was where the man had to let the man know he was boss.

Q. Who was the keeper? A. Mr. Beach.

Q. What is the name of the prisoner? A. Madden.

Q. What was the prisoner's offense? A. He was going to kill the man who brought him into the cell with a knife; he brought him into the hall and he wouldn't hold his hands up, and he acted as if he would show fight, and Mr. Beach took him by the ear; that is all I ever saw.

Q. Did you see Beach strike Madden? A. No, sir; I saw him twist his ear and told him to stand up.

Q. That is the only act of violence you saw the keeper do? A. Yes, sir.

Q. The prisoner was armed with a knife? A. He was supposed to be; he threatened to cut Mr. Beach.

Q. In what did the disobedience of the prisoner consist? A. He stepped back as though he wanted to show fight and put his hand in his pocket.

Q. Was it in the shop where it occurred? A. No, sir; in the hall.

Q. At noon time? A. No, sir; I think in the morning; just morning, I think.

Q. Have you seen any instances among the prisoners of their being overtasked or driven to hard work when they were ill or feeble? A. No, sir.

Q. Heard any complaint of that kind? A. I have heard them kick about it; but they always kick about something.



Q. Did you ever see a case where a prisoner appeared to be sick and feeble and was compelled to remain at his work in that condition? A. Never did.

Q. Were you ever employed in any of the shops? A. I was in the brush shop; I was not at work at the bench, but had charge of the bath-room.

By Mr. FARRAR:

Q. Did you ever inform anybody else of acts of violence to the keepers here; ever give such information to any one? A. No, sir.

Q. Did you know you were to be sworn? A. Not till Mr. Mills just told me.

Q. Do you know anything about prisoners attempting to hang themselves in their cells and were cut down before they died? A. I have seen most all of them that hung themselves and took some of them down.

Q. Can you remember any particular case? A. I saw Hughes.

Q. Was he apparently dead? A. I cut him down and carried him down on the stretcher.

Q. Did he show any signs of life? A. No, sir; I fixed the bath; I fetched it.

Q. How hot was it? A. A little hotter than a good bath; not so hot but a man might stand it; I put my hand in the water and could stand it without pain.

Q. Did it blister your hands? A. No, sir, or I wouldn't put them in.

Q. Did you have a thermometer to see what the heat was? A. No, sir; only my hand.

Q. You could well bear your hand in it without pain? A. Yes, sir.

Q. Were the knees of Hughes, were his limbs entirely submerged? A. I don't know what you mean.

Q. Under water? A. Yes, sir.

Q. Were his knees under? A. Yes, sir.

Q. The whole body under water? A. Except his head down here.

Q. Were his knees under water as long as the rest of the body? A. They were under all the time the rest of the body was.

Q. The body could be stretched out the whole length? A. Yes, sir.

Q. How long did he stay in the bath? A. I should judge ten or fifteen minutes.

Q. Was he in more than once? A. Yes, sir; we put him in twice; put him in once and he said "try him again."

Q. Did you rub the body? A. Yes, sir; we rubbed and worked at it about two hours and a half.

Q. Anything else done to it besides rubbing it and plunging it into the water? A. Yes, sir; he tried three or four things on him, I don't know what they were.

Q. Injected brandy or ammonia under the skin? A. I don't know what it was.

Q. Did he rub ammonia or brandy on the body outside? A. He rubbed something on the breast; I don't know what.

Q. What was the color of the skin after you got through? A. About the right color; looked a little pale on account of being dead.

Q. Looked red? A. Looked a little red, because the water would make it look a little red any way, on account of rubbing him.

Q. Did the body look inflamed? A. It looked to me as if—I couldn't explain it.

Q. Did the body show any signs of animation after it was put in the bath? A. No, sir; we put him in the bath, and put him on the floor, and rubbed him; I tried it, and he tried it after I got tired.

Q. What was the other case you mentioned; Reddington? A. I saw him.

Q. Saw him cut down? A. No, sir.

Q. Saw him after he was cut down? A. Yes, sir.

Q. Do you know anything of the facts of Reddington's case as to the cause of his suicide? Well, I don't know anything about it, only I think he was a fool, or else—

Q. Well acquainted with him? A. As well as I want to be.

Q. You knew him? A. Yes.

Q. Was he often punished? A. Not often punished; he was put in the solitary because you couldn't leave him among other prisoners.

Q. Why? A. Because if he didn't like you he would cut you; injure you; I saw him twice or three times with a knife in his cell, or stones.

Q. Was he often punished? A. I saw him punished once; not punished but put in the solitary and chained down.

Q. Ever see him paddled? A. No, sir; he was never paddled, I know.

Q. If he had been paddled, would you have been likely to have known it? A. I think I would.

Q. Was the body entirely dead when you saw it? A. Yes, sir.

Q. Do you know of any other cases where a prisoner has hung himself and was cut down before life was entirely extinct? A. I remember one where a fellow tried to hang himself, but he didn't hang himself; didn't mean to hang himself; when it choked him he hollered and they cut him down; he changed his mind.

Q. Who was he? A. Wallace Bell.

Q. Is he here now? A. Yes, sir.

Q. Do you know of any other? A. Yes; I know John Fulgner; he tried to do the same thing.

Q. In this last instance, did the feet touch the floor? A. Yes, sir.

Q. And in order to hang himself he would have been compelled to draw up his feet? A. Yes, sir.

Q. Do you know of any other instances? A. No, sir.

Q. Any other case where a prisoner committed suicide by hanging and was found dead? A. No, sir.

Q. Mention has been made of some one who dropped dead in the shop while at work; do you know anything of that case? A. I saw him after he was brought into the hall.

Q. Who was it? A. McGuire we called him here.

Q. Were you acquainted with him? A. Yes, sir.

Q. Had you observed him for several days before he died? A. Yes, sir.

Q. What appeared to be his condition? A. Well, the last time I was talking to him.

Q. How long was that before he died? A. About half an hour.

Q. Appeared to be as well as usual? A. Yes, sir; he was in to see the doctor the very time I saw him.

Q. Had he been to work that day? A. I think he had.

Q. What was his work? A. I think it was drawing brushes.

Q. You didn't see him when he fell dead? A. No, sir.

Q. How soon after he died did you see him? A. Fifteen minutes.

Q. Do you know whether a post-mortem examination was had? A. What is that?

Q. Did the physicians dissect the body, cut it up and see what the matter was? A. I don't know whether they cut him up or not.

Q. Is that all you know of that case? A. Yes, sir.

Q. How long was it before he died you saw him talking to the doctor? A. I think about half an hour; I was mopping out the hall and I saw him and said "how do you feel this morning," and he said "all right."

Q. When did this happen? A. I don't know when it was; I can't remember the day of the month; but I remember the morning he died.

Q. Were you on parole at the time? A. No, sir; a prisoner, at work in the hall.

By Mr. KELLY:

Q. You were discharged and came back five weeks afterward? A. Yes, sir.

Q. How long had you been here before that? A. I think I had been here about two years.

Q. How long have you been here all together? A. Four years and two months.

Q. Go to school in that time? A. Yes, sir.

Q. I noticed you didn't understand certain words? A. Some of them are too large for me.

By Mr. FARRAR:

Q. You got into trouble in Syracuse? A. Yes, sir.

By Mr. LIVINGSTON :

Q. Did I understand you to say you had seen most all of the convicts try to hang themselves? A. Most all; I have seen three or four of them that did.

Q. How did they try to hang themselves? A. I will tell you the whole point of it is, they will wait till they hear me come over the gallery and then they get on the bucket and jump off, for they know I'll take them down.

Q. Did you perform it in such an agreeable manner that it was fun to be taken down by you? A. I don't know.

By Mr. KELLY :

Q. Does that kind of work keep you busy? A. No; I have time to sleep.

By Mr. KEYES :

Q. You mean those that have hung themselves you have seen nearly all of them? A. Yes, sir.

By Mr. McDONOUGH :

Q. What reason did they give? A. I know one said he did it for fun to see how it felt.

By Mr. FARRAR :

Q. In these cases of Wallace Bell and John Fulgner, do you know of their being punished? A. No, they were never punished no more than —

Q. Do you know of their being punished immediately before? A. I know one wasn't punished within ten months before.

Q. Would you know if they were punished? A. I would be likely to know; I have got the hall.

Q. Where were they punished generally? A. Generally in the solitary.

Q. If punished in the solitary would you know that? A. I used to go in every day and take in rations and give them water.

Q. What court were you sentenced from? A. County court.

Q. Where from? A. Ontario county.

Q. Did you stand trial on the charge of burglary or plead guilty? A. Plead guilty.

Mr. FARRAR :

Q. What are your duties here now? A. In the cooking room.

Q. You get paid for what you do? A. Yes, sir.

Q. What do you get a month? A. I don't know; Mr. Brockway, I trust him for the pay.

Q. You have no stated sum a month? A. No, sir.

Q. You get board and pay? A. Yes, sir.

*Alvah Tibbetts*, sworn :

By the CHAIRMAN

Q. You are an inmate of this institution, are you? A. Yes, sir.

Q. How long have you been here? Four years and nine months.

Q. From what place were you sent? A. Owego.

Q. What was the offense for which you were sent? A. Burglary in the third degree.

Q. Was that your first offense? A. Yes, sir.

Q. What has been your position since you entered this Reformatory? A. Work; first worked the pick and shovel, carrying the hod and different jobs, working in the hall and shop.

Q. Which shop? A. Brush shop, making whitewash brushes mostly; it isn't running now.

Q. What is your present work? A. I am not working now; my last work was in the tailor shop.

Q. Are you in ill health? A. Yes, sir.

Q. What was your state of health when you came here? A. Perfect health; a strong and healthy man.

Q. You are now in the hospital? A. No, sir.

Q. You do no work at present? A. No, sir.

Q. What is the disease from which you are suffering? Hemorrhage of the lungs and bronchitis.

Q. What was the first work you did when you came here? A. pick and shovel.

Q. How long did you remain at that? A. Some two or three months.

Q. In what grade were you then? A. It was all one grade at that time, second grade. We wore gray clothes, all one thing; the prisoners were not graded then as now.

Q. After you left that work what were you put to? A. Carrying hod.

Q. How long did you remain at that? A. Six or seven months.

Q. Was your health then good? A. Yes, sir; perfect.

Q. What did you do after that? A. Put in a shop combing pig-hair.

Q. Did your health remain good at that occupation? A. Yes, sir.

Q. When did your health begin to fail? A. Two and a half years ago.

Q. Can you assign any cause for the failure of your health? A. I was knocked around by an officer and dragged through the yard and put in the solitary in a cold cell, laid on the flags the first night; after I had been hit by the officer was the first time I ever spit up any blood, and from that time I have been a sick man ever since.

Q. Who was the officer? A. Officer Beach.

Q. Had you been punished prior to that? A. Yes, sir.

Q. How? A. Been kept in the solitary a good deal of my time in the third grade, and been paddled.

Q. How many times have you been paddled? A. Once.

Q. By whom? A. Mr. Brockway.

Q. Where was the paddling done? A. Solitary.

Q. Did you see the instrument with which you were paddled? A. Yes, sir.

Q. Describe it? A. It was a long leather about that long, at one end was two or three thicknesses filled with rivets and come down smaller like a boot, about that wide, six to nine inches.

Q. How many thicknesses? A. Two or three, couldn't say which.

Q. How broad? A. Upper end was kind of like a ball-club; came up there and widened as it came to the end.

Q. Was there holes in it? A. No, sir; full of brass rivets.

Q. Did the points of the rivets project? Yes, sir.

Q. Not hammered down? A. No, sir.

Q. How far did the points of the rivets project? A. I couldn't say; they were plain to be seen.

Q. Could they be felt as you rubbed your hands over them? A. Yes, sir.

Q. Did you handle the paddle? A. No.

Q. How many blows were struck? A. Twenty-three.

Q. Did you count them? A. Yes, sir.

Q. Were the blows severe? A. Yes, sir.

Q. Did you cry out from pain? A. No, sir.

Q. Made no demonstration of suffering? A. Made some.

Q. Were the blows inflicted in immediate succession, one after the other? A. Yes, sir; not as fast as they could be put on; plenty of time taken.

Q. Who was present besides Mr. Brockway while the paddling took place? A. Deputy McKelvey; there were other men locked in the solitary, but not in sight.

Q. What was your condition after the paddling was finished? A. I was still healthy then.

Q. Were you prostrated by the pain, caused by the paddling? A. No, sir; I was put to work.

Q. Was your person seriously injured by it? A. Yes, sir.

Q. How? A. Marred up; and each one of my legs was swelled up as big as two, as I would stand up in the shop.

Q. Was blood drawn by the paddle? A. Yes, sir.

Q. At the time, did you find blood upon your person? A. Yes, sir; half way down my legs.

Q. Blisters drawn? A. Yes, sir.

Q. How long before you entirely recovered from the effects of the paddling? A. Over a month.

Q. So you could sit down? A. I could sit down.

Q. Your clothes were removed from the person at the time of the paddling? A. Yes, sir.

Q. The portion where the blows were struck was on your naked posterior? A. Yes, sir.

Q. Had you been punished prior to that? A. Yes, sir.

Q. What? A. I had twenty-one days on bread and water just before that in the solitary, with no bed in the daytime and a tick of straw at night; a good deal of my time I had been in the solitary, three or four different times before, two or three months at a time; kept on bread and water and hanging by the door, and one thing and another like that.

Q. After the occasion when you were paddled were you ever punished? A. Yes, sir.

Q. In what way? A. Put in the dungeon on bread and water; my hands chained together, and no bed or blankets.

Q. How many days at a time? A. Nine days I was there.

Q. How many cases of punishment of that kind occurred after the paddling? A. That was the only one; I was put on bread and water.

Q. Please state the time and circumstances when your sickness commenced? A. January, 1879.

Q. You say your sickness was produced? A. First produced by an officer kicking me.

Q. Who kicked you? A. Officer Beach; and from the effect of that I account for my sickness.

Q. How were the blows inflicted? A. He knocked me down and kicked me in the chest and stood on me.

Q. Did he use any club? A. No, sir; his hands and fists.

Q. He kicked you? A. Yes, sir.

Q. Where? A. On my chest.

Q. Up to that time you were quite well? A. Yes, sir.

Q. And from that time you date the decline in your health? A. Yes, sir.

Q. What was done with you after the officer, as you say, kicked you and threw you down? A. I was put in a cell till the next morning and reduced to the third grade, and from there put in a dungeon on bread and water.

Q. How long were you kept in a dungeon? A. Nine days.

Q. What time in the year was it? A. January.

Q. What was the state of the weather? A. Cold.

Q. Was the prison heated during the winter? A. It was not there, in the solitary.

Q. No fire in there? A. No, sir.

Q. You had your usual clothing? A. Yes, sir.

Q. What bedding had you? A. None at all.

Q. No straw? No, sir.

Q. No blanket? No, sir.

Q. Were you chained to a staple in the wall? No, sir; I had a pair of handcuffs on my hands together, is all.



Q. Did you contract cold during that nine days? A. Yes, sir.

Q. Did you have medical treatment? A. No, sir.

Q. Did the doctor visit you during that time? A. No, sir.

Q. At the end of the nine days what was done with you? A. Put out to work again.

Q. In what state of health were you at the end of the nine days?

A. I was weak and fell away some in flesh, and still had this cold, and had been spitting up blood while in the dungeon.

Q. Had you a cough? Yes, sir.

Q. Did you complain of your state of health? A. Yes, sir.

Q. Did you ask to see the doctor? A. Yes, sir.

Q. You were kept at your work? A. Yes, sir.

Q. Who was your immediate keeper at that time? A. It was a prisoner; Mr. Beach was overseer, and the prisoner had charge over me.

Q. Who was the prisoner? A. I forget his name now.

Q. Is he here now? A. No, sir; he has been out a year and a half or so.

Q. How long did you continue at your work? A. Some three days and I was taken so sick I had to lie in my cell, and from there the doctor saw me, and from that time perhaps I would go out and work every week or so, and work two or three days, and finally laid up, and have been in that condition ever since; I worked a short time at a time and then would have a hemorrhage and then let up for a month or so.

Q. You have had medical treatment ever since you quit work?

A. Yes, sir.

Q. You have not been required to do hard work since? A. No, sir.

Q. Are your wishes and requests consulted as to the kind or quality of work you do at the present time? A. No, sir; I am not put at hard work.

Q. You are not required to do work beyond your strength at present? A. No, sir.

Q. Have not been since your health began to decline in the manner you speak of? A. No, sir.

Q. Now Mr. Tibbetts, when you first came here you say the prisoners were not graded as at present? A. No, sir.

Q. You were on the third grade, at least, what would be now considered third grade? A. Second grade.

Q. Do you know what system of marking, if any, prevailed at that time? A. No, sir.

Q. When was the present graded system of marking established?

A. Six or seven months after I came here the first books came around.

Q. When that system was established in what grade were you placed? A. Second grade.

Q. How long did you remain in that grade? A. About five months.



Q. And passed then into what grade? A. Third.

Q. For what cause? A. Not being able to do my work.

Q. In the brush shop? A. Yes, sir.

Q. You were then in good health? A. Yes, sir.

Q. Were your tasks greater than you could perform? A. Yes, sir.

Q. Was the work difficult for you? A. Yes, sir.

Q. Requiring more skill and training than you possessed? A. Yes, sir.

Q. It was not that your health was not sufficient? A. No, sir.

Q. How long does it take a prisoner to learn so he can readily perform his tasks? A. Four or five months; I was at it two or three weeks before I was put in the third grade.

Q. During the time you were in the second grade, after this graded system was established, were you punished? A. When I was in the second grade?

Q. Yes? A. No, sir.

Q. When you fell to the third grade, were the same tasks required of you as before? A. Yes, sir.

Q. And performed as before, imperfectly? A. Yes, sir, imperfectly.

Q. What then was done? A. I was put in the solitary and forced to work there by myself, half of the time on bread and water, and sometimes no meals at all for a day.

Q. Did other convicts besides yourself find it difficult or impossible to perform the task assigned them? A. Yes, sir.

Q. Were they treated in a like manner with you? A. Yes, sir.

Q. What was your particular part of the work? A. Straightening out the pig-hairs, so you could catch a knot of it easily.

Q. Were you punished any other way while in the third grade? A. Hanging up to the door two or three days at a time.

Q. Simply for failure to perform your task? A. Yes, sir.

Q. How long did you remain in the third grade? A. Four months the first time.

Q. Then passed into what grade? A. Second.

Q. Remained in that how long? A. Nearly a year.

Q. During that year were you able to perform the tasks required? A. I was put at other work.

Q. You failed to learn the brush business? A. Yes, sir.

Q. What were you put at? A. I was put at combing tampico.

Q. You did perform your task then acceptably? A. Yes, sir.

Q. Did you pass back to the third grade again? A. Yes, sir.

Q. For what cause? A. Refusing to do work.

Q. What work was required? A. I had been making whitewash-brushes, and when whitewash stopped, I was put on tampico; it is a very dusty job, and I knew I couldn't do the job, and I refused to do it, and I was put in the solitary on bread and water.

Q. Are prisoners required to work in the solitary? A. Yes, sir; work all alone.

Q. Then did you consent to do the work assigned you? A. Yes, sir.

Q. How long did you remain at it? A. Five days and again refused.

Q. And was again confined in the solitary? A. Yes, sir; and paddled that time.

Q. For refusing to do the work assigned you? A. Yes, sir.

Q. The work was such that you had the physical and mental ability to do it, but did not wish to do it for the reason that you thought it would be injurious to your health? A. Yes, sir; I couldn't do the required task.

Q. The requisite amount of work? A. Yes, sir.

Q. This was before your health began to fail? A. Yes, sir; the cause of my refusing the second time, was because I was so weak from my first being put in the solitary I was hardly able to stand up, that was the reason I had to refuse.

Q. Were you ever punished from other cause than failure to perform your allotted task? A. Yes, sir.

Q. For what other cause? A. Having quarreled with the deputy and giving him back words, deputy McKelvey.

Q. What gave occasion for words between you? A. He wanted me to do more work at the time and commenced hollering at me, and got me kind of mad, and I spoke to him as he was speaking to me.

Q. What was done? A. I was chained up to the door in the solitary and left there five days on bread and water, chained one day and the next four days left in the cell.

Q. Any other occasion where you were punished for disobedience to orders aside from failure to fulfill your work? A. No, sir.

Q. You say on one occasion the deputy struck you, and kicked you, and beat you? A. He was not a deputy at that time only an officer.

Q. What was the occasion of that violence on the part of the keeper? A. I was in the second grade and he wanted me to put my hand on the shoulder of a third grade man and march with the third grade men. They were marching so fast I couldn't keep up, I had just hurt my leg in the shop before coming down; he waited till I got near and between the first grade men, and he got behind me and before I knew it he struck me in the back of my neck and nearly broke my neck, and I turned to defend myself and I was knocked down and the deputy was there with his club.

Q. Did he club you? A. No, sir.

Q. Who was the keeper that had immediate charge of you at that time? A. Beach.

Q. He was simply keeper and McKelvey was deputy? A. Yes, sir.

Q. Beach was the one who first struck you on that occasion? A. Yes, sir.

Q. Struck you in the back of the neck? A. Yes, sir.

Q. With his hand? A. Yes, sir.

Q. Was it a violent blow? A. Yes, sir; knocked me down and kicked me, and Beach kicked me over the eye and made a big scar, and gave me two or three kicks in my chest.

Q. You were resisting? A. Trying kind of to defend myself.

Q. You were then a strong man? A. Yes, sir.

Q. Equal in strength to Beach or McKelvey? A. No, sir. I was long laying in the solitary and I was not a man that could compare with him.

Q. You did the best you could to resist his assault upon you? A. Yes, sir.

Q. Was there any other occasion you were punished or treated with violence in any way aside from the cases where you were punished for failure to perform your task? A. I have been kept in the solitary.

Q. No acts of violence inflicted upon you? A. It is punishment to be working in there three or four months in a close spot.

Q. Personal violence inflicted upon your person? A. No, sir.

Q. This paddling was about two and a half years ago? A. It was two years, for I came here 1879.

Q. Have you seen the paddle since? A. No, sir.

Q. Never saw it except on that one occasion? A. I saw it about a year before that.

Q. How many times did you see it? A. Twice.

Q. Did you handle it on either occasion? A. No, sir.

Q. At the time you were paddled, I understand you to say, you did not handle the paddle at all? A. No, sir.

Q. How near were you to it, that is on the first occasion when you saw it? A. I was chained up to the door and the superintendent stood in front of the door showing it to me.

Q. Do you say your eye-sight was permanently affected by the injury you received in the scuffle? A. Yes, sir.

Q. Do you now see as well with your right eye as with your left? A. I do now; it was swollen up, covered over and closed for about two weeks; there is still a scar there.

Q. What do you mean when you say you were put in a dungeon? A. A cell that was put off for a dungeon, with a boarded-up door, left dark, bed and everything taken out.

Q. Entirely dark? A. Yes, sir.

Q. No opening in the door at the top or bottom? A. No, sir.

Q. No hole of any size? A. Holes that had been broken in by different prisoners; they were proposed to be none in.

Q. When were you last put in a cell of that kind? A. Only at that one time.

Q. Have you any knowledge of any such cell being in existence in the prison now? A. No, sir, not like that; there is one about the same thing; the door is hung up on the outside, but it can be taken away and put out of sight.

Q. Have you any knowledge of that being done? A. It was

done here last summer while I was in the solitary; the cell was darkened by hanging a wooden door outside of the cell.

Q. But the time you speak of first, the door was permanently darkened? A. Yes, sir; closed right in with the bars.

Q. Your food consisted then of what? A. Bread and water once a day.

Q. In what quantity? A. A pint of water and a small ration of bread.

Q. About how large a piece would you say; how long and how thick? A. About four inches long and two inches broad, and an inch and a half thick.

Q. That and a pint of water was your only food for the day? A. Yes, sir.

Q. How many days? Nine days.

Q. Were you fed in that way for twenty-one days? A. Yes, sir.

Q. Was anything said to you during that twenty-one days as to remitting that punishment on certain conditions? A. Yes, sir.

Q. How often were those propositions made to you? A. Three times in the twenty-one days.

Q. At the end of each week? A. Yes, sir; once at the end of each week usually.

Q. At one time you say you were confined for five days? A. Nine days; the bread and water five days once.

Q. During that five days was anything said to you as to the condition upon which the punishment would be remitted; were you aware whether you might or might not have been released during that five days, or other period of twenty-one days, if you had promised obedience to the rules of the institution? A. The first five days I was not aware of it, the twenty-one days I was.

Q. You had an opportunity each day, had you not, to communicate with the authorities of the prison? A. Yes, sir.

Q. You could have sent word to the superintendent any day of your confinement of your willingness to obey the requirements of the institution? A. Yes, sir.

Q. And upon so doing you would have been released? A. Yes, sir.

Q. But you were unwilling to perform the work they required? A. Yes, sir.

Q. For the reason you stated? A. Yes, sir.

Q. At the time of the paddling were the number of blows you were to receive announced to you beforehand? A. No, sir.

Q. Was there a pause between the blows to give you an opportunity to say whether you would submit to the rules of the institution? A. Yes, sir; a pause long enough to put my clothes up again.

Q. Were you given to understand the blows would be discontinued if you would make certain concessions? A. Yes, sir.

Q. And you were unwilling to make these concessions? A. Yes, sir.

Q. The pain finally became so great you thought you could not suffer it longer? A. Yes, sir.

Q. Under those conditions you made the concessions they required?

A. Yes, sir.

Q. How many blows were struck before an opportunity was given for you to make the concessions? A. One struck and then took his time to strike the other one; I could have spoke between any of them.

Q. At the time you were paddled did your feet rest upon the floor? A. Yes, sir.

Q. Your whole weight was not resting on your hands? A. There was a rope around my leg, just my toes touched the floor; a weight was on the calves of my legs.

Q. How long were you left in that condition after the paddling ceased? A. Taken down immediately.

Q. And left in your cell? A. No, sir; put out to work right off.

Q. What time in the day was it? A. Eleven o'clock in the forenoon.

Q. Did you go to dinner that day with the other convicts? A. I had my dinner in the cell.

Q. Your work was in the brush shop? A. Yes, sir.

Q. Are you in possession of any other facts going to illustrate the management of this institution as to the infliction of punishments; do you know of your own knowledge of any instances of personal violence toward prisoners, or punishments inflicted upon them? A. I know of men punished nearly every day, knocked around and put in the solitary, and used in the worst kind of way.

Q. Can you name any other instances? A. John Reddington and Carr and other men have been put in the solitary and kept there with chains on, and been drowned out in cells, and kept on bread and water, and finally one of the men hung himself lately, couldn't endure the punishment any longer.

Q. Do you know the cause of the punishment inflicted upon him? A. He was put in the solitary the last time because he gave his testimony in court on the Simmon's trial.

Q. How do you know that? A. Because he was sick with me—he was punished because he gave his testimony.

Q. How do you know that? A. Because he hadn't done anything to be punished for.

Q. Have you any means of knowing the fact of your own knowledge that that was done because of his testimony? A. Yes, sir; because I was punished for the same thing with him.

Q. Did you hear Mr. Brockway or any officer of the institution say they punished him for that reason? A. No, sir.

Q. And you don't know, of your own knowledge, what their reasons were for punishing him? A. No, sir.

Q. You simply state as you do, that he was punished for giving his testimony, as a matter of inference in your own mind? A. Yes, sir.

Q. Judging from other facts? A. Yes, sir; we were both taken sick, and both taken down, and used in the same way the same day.

Q. Did you ever hear any officer of the institution threaten a prisoner with punishment for giving his testimony on that trial? A. No, sir.

Q. Ever hear any officer say a convict had been punished for giving his testimony on that trial? A. No, sir.

Q. Do you know any facts which should lead you to believe, that the authorities of this prison intend to inflict punishment, or do inflict punishment upon a prisoner for giving his testimony in any judicial proceeding, or in any duly authorized proceeding? A. I do, because I was punished; I hadn't done nothing to be punished for when I was brought back and put in the solitary, the same with Reddington; he couldn't endure the punishment and hung himself.

Q. Prior to testifying on the trial, were you at work? A. Yes, sir.

Q. And were taken from your work to the court room to give your testimony? A. Yes, sir.

Q. And immediately brought back again? A. I was down there a week in jail.

Q. Upon being returned to this institution you were immediately committed to your cell? A. Yes, sir.

Q. And kept in close confinement how long? A. I was sick in my cell nearly a month and then removed to the solitary.

Q. For that reason was not put at work? A. No, sir.

Q. You were not put upon bread and water during that term, were you? A. After I came back?

Q. Yes, sir? A. No, sir.

Q. You were treated as a prisoner who was too ill to work? A. Yes, sir.

Q. Had medical care? A. Yes, sir.

Q. After you recovered you were put in the solitary? A. Even before I was recovered.

Q. Your first work was in the solitary? A. Yes, sir.

Q. Any reason assigned for it? A. No, sir.

Q. You don't know what the reason was? A. No, sir.

Q. Had anything been said that you were violating the rules? A. No, sir; when they took us down they said they were not going to punish us, but afterward they did, just merely because we were sick and unable to go out in the shop to work.

Q. Could you work easier in the solitary than the shop? A. No, sir, we were too sick to work. We were asked to go down and do the best we could; I sat in the booth half the time, I could not work.

Q. What work were you required to do in the solitary? A. Drawing brushes.

Q. The same as in the shop? A. No, sir; I never done it in the shop.

Mr. FARRAR:

Q. You say you have been here four years and nine months? A. Yes, sir.



Q. You were convicted in the court of sessions or the circuit?  
 A. In the court of sessions.

Q. Did you ask to be sent here, or did your counsel? A. No, sir.

Q. Did you plead guilty? A. Yes, sir.

Q. You say you plead guilty to burglary in the third degree? A. Yes, sir.

Q. Were you indicted for burglary in the third degree? A. Yes, sir.

Q. And plead guilty to the indictment? A. Yes, sir.

Q. Did none of your friends ask to have you sent here? A. No, sir; I was a stranger there and had no counsel.

Q. You are sure it was burglary in the third degree? A. Yes, sir.

Q. Did the court state to you at the time you were sentenced the maximum term of imprisonment? A. No, sir.

Q. With reference to the time Beach knocked you down, what was the conversation between you and Mr. Beach? A. Had none at all.

Q. That was the time he wanted you to keep—? A. Yes, sir.

Q. After he struck you in the neck and you had fallen, what did he do? A. Kicked me in the head and kicked me in the chest.

Q. Did you say he jumped on your chest? A. Yes, sir; he did.

Q. With both feet? A. Yes, sir.

Q. When you lay on the ground? A. Yes, sir; in the yard.

Q. How long did he stand on your chest? A. Just long enough to jump on and off.

Q. Did he jump up from the ground and down on your chest?  
 A. Yes, sir; he tried to jump in my face.

Q. Were you fighting him? A. Just to keep him off.

Q. Did you say anything to him? A. No, sir.

Q. Didn't open your head to him at that time? A. No, sir.

Q. You say from that dated your first hemorrhage? A. Yes, sir; I had a hemorrhage that night.

Q. You had never had any indications of that before? A. No, sir; I was in perfect health, never was sick a day in my life.

Q. Is your father or mother living? A. My father is not; father was shot in the army.

Q. Either of your parents died with the consumption? A. No, sir.

Q. Or ever troubled with hemorrhage that you know of? A. No, sir.

Q. You say when you came back from testifying there you were sick and put in your cell? A. Yes, sir.

Q. Had medical treatment and treated the same as before? A. Yes, sir.

Q. After you got better you were put in the solitary? A. Yes, sir.

Q. Was the solitary at that time a dark place? A. No, sir.

Q. It is one of the boxes where the men learn to work? A. Yes, sir.

Q. You had your full allowance of food? A. Yes, sir.

Q. Do you think you were punished because you testified in court? A. That was the only reason.

Q. Men are sometimes taken away from the rest of the prisoners so as to learn their work, are they not? A. No, sir.

Q. You think they are put there to punish them? A. Yes, sir.

Q. Is it harder work in there than with the men? A. Yes, sir.

Q. Why? A. Because you are in there so close, eat in a box and sleep on the floor with no sheets or anything with tick and blanket.

Q. Is it so night and day? A. Yes, sir.

Q. I mean the places built for work? A. You work there and go right in your cell.

Q. Do you have the same accommodations in your cell for sleeping? A. No, sir; only have a tick and blanket.

Q. In the dungeon those are all taken away? A. Yes, sir; when you are working you have a tick and blanket and when you are on bread and water you have no ticking or bedding.

Q. The punishment consisted, after you had recovered to a certain extent, in putting you in one of those boxes? A. Yes, sir.

Q. You worked at what you had been doing there? A. I commenced learning that work there.

Q. At night you were taken out of there and put in your cell? A. In the solitary cell.

Q. What accommodation did you have there? A. I was allowed a bedstead, bed and blanket.

Q. Your food was kept up? A. Yes, sir.

Q. What did the punishment consist of? A. Confinement.

Q. You never heard an officer of this institution threatening the men for any testimony. A. No, sir.

Q. Ever known an instance of that kind except as you have stated? A. No, sir.

By Mr. KELLY.

Q. How long have you been in the second grade you are in now? A. Last December, I think.

Q. You are still in the second grade? A. Yes, sir.

Q. Don't do any work? A. No, sir; last week I haven't, I have been locked up in the cell for some cause.

Q. Where do you sleep? A. In my cell.

Q. Do you have any different accommodations from the men that work? A. My food is different.

Q. You have medical attendance? A. Yes, sir.

Q. What does the doctor say to you of your chances of living? A. He does not tell me how long I will live; he keeps me along till my time is out.

Q. When is your time out? A. Fifth of next June.



Q. You are to be discharged then any way? A. Yes, sir.

Q. That will make how long you have been here? A. Five years.

By Mr. CLAPP:

Q. You were paddled by Mr. Brockway? A. Yes, sir.

Q. For what offense? A. Refusing to work.

Q. Were you told that you would be paddled if you did not do the work? A. Yes, sir.

Q. During the infliction of the paddling were you given an opportunity to yield before the whole twenty-three blows were inflicted? A. Yes, sir.

By Mr. KEYES:

Q. Please give us a statement as to the general character of the food, as to the quantity and quality? A. The first two years I was here I never hardly had enough to eat, especially in the third grade; I was kept hungry all the time, no coffee allowed; the last year and a half the food has been more plentiful, but in some respects not very good.

Q. In what respect do you complain of the food in the last two years? A. Not cooked good.

Q. What is furnished for breakfast? A. Hash in the morning; the hash is made up of old bread and old scraps more than anything else; a man has got to have a good appetite before he can eat it; it is watery and more like soup; the bread is pretty fair for prison.

Q. About the same every day? A. Yes, sir.

Q. What kind of meat is given you? A. Meat once or twice a week; twice, I think.

Q. What days generally? A. Saturdays and Thursdays.

Q. The same allowance for all? A. Yes, sir.

Q. Some days in the week prisoners have none? A. Yes, sir, except the hash in the morning.

Q. What do they have for dinner when they don't have any meat? A. They have soup on Tuesday and no meat with that; the second grade, Wednesday, they have turnips or carrots.

Q. Meat with them? A. I don't know; I don't see it.

Q. Thursday? A. Meat and beans.

Q. Pork? A. Yes, sir; sometimes beef; Friday you have soup and Saturday you have roast beef; most meat is on Saturday.

Q. Sunday? A. Soup.

Q. How many times? A. Once a day.

Q. How many meals on Sunday? A. Three.

Q. The same in quantity as other days? A. Yes, sir.

Q. Generally do the prisoners seem satisfied with the quantity of food allowed them? A. No, sir; they don't seem satisfied in no way.

Q. You speak of your own grade? A. Yes, sir.

Q. Don't know how it is in the other grades? A. No, sir.

Q. How about the third grade? A. That is on the same level now with food as the second grade, except they get no coffee.

Q. The first grade prisoners have the same too? A. I don't know about that, never was in that grade.

Q. No means of knowing the diet of the first grade prisoners? A. No, sir.

Q. If prisoners desire a larger quantity of food at any meal, can they get it by asking for it? A. Yes, sir.

Q. Get more bread? A. Yes, sir.

Q. Get more soup? A. No, sir.

Q. More meat? A. No, sir.

Q. More potatoes? A. No, sir.

Q. Have to take what is given them and be satisfied? A. Yes, sir.

Q. Have potatoes every dinner? A. No, sir.

Q. How often? A. This winter I guess we had potatoes one day in a week.

By Mr. BROCKWAY:

Q. Have they hash every day? A. In the morning; turnips and carrots mostly you get for dinner.

By Mr. BROCKWAY — Sometimes onions? A. Yes, sir.

By Mr. KEYES:

Q. You have the different kinds of vegetable in their season; in the summer you have fresh vegetables? A. Yes, sir.

Q. As to their clothing, how do convicts fare? A. They fare no better in clothing.

Q. Clothing sufficient to make them comfortable? A. Yes, sir.

Q. Have flannel shirts? A. No, sir.

Q. In the winter? A. No, sir; they have underclothes.

Q. Knit underclothes? A. Yes, sir.

Q. At the present time are not the corridors of the prison kept warm, the halls? A. Yes, sir; there is steam on the hall all the time, but a man is cold in his cell, especially an unhealthy man.

By Mr. FARRAR:

Q. Were you ever committed for any crime before you came here? A. No, sir.

By Mr. KEYES:

Q. Have you any knowledge as to whether the prison is infested with rats and mice? A. Infested with rats in one part of it.

Q. Are the prisoners inconvenienced by that? A. I don't think they are.

Q. Never heard any complaint among them? A. No, sir.

Q. What part of the prison is that? A. The south wing extension.

By Mr. BROCKWAY :

Q. Will you state how second grade men came to be marching in the third grade at the time you had the difficulty with Beach?

A. Because it was at night when the whistle blowed, and Beach was taking a responsibility that wasn't on to him; he should have had me taken into the hall by the deputy.

Q. Why didn't you march in the second grade as usual? A. Because I had made an assault on a prisoner.

Q. What prisoner? A. Tauber.

Q. What did you assault him with? A. Whitewash stick.

Q. How long was it? A. Some two feet.

Q. Was there anything on one end of it? A. A kind of a screw.

Q. An iron ferule? A. Yes, sir.

Q. How long was it? A. Three inches.

Q. How much would the club weigh? A. A couple of pounds.

Q. Did you make this assault upon him when there was other men in the shop? A. Yes, sir; going out of the shop.

Q. Who interfered to prevent violence? A. Half a dozen convicts besides Beach.

Q. Then Beach put you in the third grade line and that accounts for you being in that line? A. Yes, sir.

Q. After the difficulty with Beach you didn't consult the physician; think and see if you were not seen by the doctor? A. He only looked at my eye.

Q. You stated a moment ago you didn't have any medical attendance? A. Only for my eye, I said.

Q. The deputy did take you to the doctor the next morning? A. Yes, sir; he told me to come out to see the doctor; that was to get me out to put me in the third grade; I told the doctor I was in pain and had been spitting up blood; he said that wouldn't amount to nothing and didn't examine my chest at all.

Q. Did you tell the doctor you had been spitting up blood? A. Yes, sir.

Q. You had been spitting up blood? Yes, sir.

By Mr. FARRAR :

Q. With reference to the assault on the prisoner, what was the trouble with the prisoner? A. I had some difficulty with him at the table; second grade men were eating at the table.

Q. Who begun it? A. They begun it in the first place; it was an argument I had, and then he had me put away from the table for eating in the cell; gave me away.

Q. You assaulted him then? A. Yes, sir.

Q. For something he had done or said? A. Yes, sir.

Q. Did he strike you first? A. No, sir.

Q. You struck him first? A. Yes, sir.

- Q. Where did you strike him? A. Over the back of the head.
- Q. Were you angry? A. Yes, sir.
- Q. You meant to hurt him? A. Yes, sir.
- Q. When were you first informed you were to testify here to-day? A. Just brought from the cell.
- Q. Did you know the committee from the legislature were here? A. No, sir.
- Q. Know they were to be here to-day? A. No, sir.
- Q. Did you know they were here last week? A. Yes, sir.

By Mr. BROCKWAY:

- Q. The offense for which you assaulted Tauber was for your being put away from the table for some argument; did that occur on the day the assault was made? A. No, sir.
- Q. How long before? A. It occurred Monday, and this was Monday or Tuesday when I made the assault.
- Q. You nursed your wrath till Monday or Tuesday? (No answer.)

By Mr. KEYES:

- Q. Had there been any conversation between you on the subject during the time? A. No, sir.

Mr. BROCKWAY at this point produced an affidavit of Dr. Wey, who was sworn as the first witness in this proceeding.

Mr. KRACKOWIZER—I desire to say that the letter published in the New York Sun was transcribed verbatim et literatim from a statement handed to me by one of the members of the committee and by me to him returned.

Mr. CLAPP to Mr. KRACKOWIZER—Did the member of the committee hand it to you with the knowledge that you were to publish it? He knew what I wanted it for and I said I should publish it unless there was testimony enough to fill out the column.

*John Dunn* sworn and examined by Mr. KEYES:

- Q. You are an inmate of this Reformatory? A. Yes, sir.
- Q. How long have you been here? A. A little over four years.
- Q. From what place were you sent here? A. Morrisville.
- Q. What offense? A. Burglary in the third degree.
- Q. Did you plead guilty? A. Yes, sir.
- Q. Was it your first offense? A. No, sir.
- Q. Had you ever been sentenced to State's prison before? A. No, sir.
- Q. Or county jail? A. To the county jail once or twice, and the penitentiary.
- Q. House of refuge? A. No, sir; where I was sent from was Madison county; I have been in the Syracuse penitentiary once or twice.

Q. Where were you born and brought up? A. Syracuse.

Q. How old are you? A. twenty-two now.

Q. Where did you live in Syracuse? A. I lived in the seventh ward; I have lived in the fifth ward too.

Q. Was the present graded system of marking in vogue when you first came here? A. Yes, sir; the same as it is now.

Q. You were put in the second grade when you came here? A. Yes, sir.

Q. How long did you remain in here? A. Four months.

Q. Then to what grade? A. Third grade.

Q. Been in that ever since? A. No, sir.

Q. Been in the first grade any time? A. No, sir; always in the third or second.

Q. Are in the third grade now? A. Yes, sir.

Q. How long have you been there this time? A. About three months.

Q. What work have you been employed at? A. About brushes and shoes and in the hollow-ware shop.

Q. Been at work in all of them? A. Yes, sir.

Q. Now in the shoe shop? A. Yes, sir.

Q. You have been here about four years? A. A little over that now.

Q. Ever been out on parole? A. No, sir.

Q. Only first grade prisoners are out on parole? A. That is all, I believe.

Q. Have you found it difficult to learn the kind of work you have been put at? A. I can do the kind of work I am at now; I couldn't get at brushes very well; I couldn't work fast enough to do my task, but could after I was at it a little while.

Q. How came you to be sent from second to third grade? A. The first time on account of a brush, and the second time was fighting; this time I was put in for losing a mark.

Q. How has your health been since in prison? A. Pretty good.

Q. How was it before you came? A. Always well outside, never sick much, never had much bad sickness, a cold once in a while.

Q. Ever had any severe sickness while in prison? A. I have been sick all the while while here about my lungs.

Q. Cough? A. Yes, sir.

Q. Have any hemorrhage? A. No, sir.

Q. How has your appetite been? A. Hasn't been very good.

Q. How does the food agree with you? A. Very well as far as I can see for what you get in a prison.

Q. You don't expect quite as good outside? A. No, sir.

Q. Have enough of it? A. Yes, sir; get all I want here, such as it is now we do.

Q. Have you ever been punished in prison? A. Yes, sir.

Q. How? A. I have been strung up to my door and fed on bread and water and put in a dark cell and paddled, etc.

Q. When strung up to the door how was it done? A. Strung up with the handcuffs and chain put through the bar.

Q. Were you standing on the floor? A. Yes, sir; as high as you can reach; as high as the door goes.

Q. How long were you kept in that position? A. Kept all day, until about ten o'clock at night.

Q. Then allowed to lie down? A. Lie down on the floor.

Q. Is the punishment painful? A. Yes, sir.

Q. How? A. Works your back and you feel tired all the time.

Q. The padlocks are not painful to your wrists? A. Unless they put them on tight.

Q. They are not very close? A. No, sir; sometimes they shut them down tight, they can't help that; most always they leave them loose enough.

Q. If you call the attention of the keeper to it he would make them loose enough to be easy, would he? A. Yes, sir.

Q. For what offenses have you been punished in that way? A. The most I was ever hung up for was my work.

Q. Failing to perform your task? A. Yes, sir.

Q. Have you been punished by being chained to a staple in your cell? Yes, sir.

Q. Or on your ankle? A. On my wrists; the other day I was in there for having a knife.

Q. That was contrary to the rules? A. Yes, sir.

Q. Had you threatened to use it against any one? A. No, sir.

Q. It was found in your possession? A. Yes, sir.

Q. Where did you get it? A. I had it in the shoe shop.

Q. One of the knives you used in your work? A. Yes, sir.

Q. You concealed it about your person? A. I just put it in my pocket; I used it on corns in my cell; I sharpened it for that; they gave me a knife to carry and took it away from me again.

Q. Which is the more painful, the chain with the shackles or hung up? A. Yes, sir; hung up.

Q. You have been punished by confinement in the solitary? A. Yes, sir.

Q. How long at once? A. I have been in there four months at a time.

Q. Was it necessary for you to stay there as long as that? A. Don't believe it was; I was in because I couldn't do my work; that was on brushes; I done my work upon everything else except that.

Q. Couldn't you have been released on certain conditions? A. I couldn't do my task was all that hindered me.

Q. Did the keepers, any of them, speak to you about the matter and say you could go back at your regular work in the shop if you would consent to do the task? A. If I could do the task I could be, but I—

Q. Did you say you were willing to go back and try? A. Yes, sir.

Q. Wouldn't they release you upon that? A. No, sir; they wouldn't let me go till I had done my task in the solitary.

Q. Unless you accomplish your tasks in the solitary they would not release you? A. No, sir, you never could get out; I have

been there four months; two or three different times for the same thing.

Q. Were you ever confined in a dark cell? A. Yes, sir.

Q. How dark was it? A. As dark as any dungeon.

Q. Entirely darkened? A. Yes, sir.

Q. Door put up on the outside? A. Yes, sir; a blind door and the cell door besides.

Q. How long a time at once have you been kept there? A. Five days.

Q. Is the punishment a painful one to endure? A. Yes, sir.

Q. How? A. Sometimes get one meal and sometimes get nothing; sometimes get a drink of water and sometimes don't get any at all.

Q. How long? A. Sometimes two or three days; the watchman comes around once in a while.

Q. Are you at liberty to send a messenger by him to the keeper? A. Yes, sir.

Q. Have you ever done so? A. No, sir.

Q. If you sent a messenger to the keeper stating you would submit to the rules or endeavor to perform your task, would you be released? A. If you send to the superintendent you can get out sometimes, but not always; sometimes you can get out after three days, but it is according to how your offense is.

Q. The promise of obedience does not always immediately secure your release? A. Oh yes, it does, but you cannot get it without you are in two or three days; in three days you can get it most always.

Q. Have you suffered any other punishment than the privation of food? A. I have been in there five days without anything to eat.

Q. No food in that time? A. I have been in there five days without a mouthful to eat, or a drink of water, or a bed.

Q. When was it? A. Two years ago.

Q. Who was in charge of you then? A. McKelvey.

Q. Did he know you were without food all that time? A. Yes, sir; he put me in.

Q. Did he come to the cell door to see you? A. Yes, sir.

Q. Talk with you? Yes, sir.

Q. What did he say? A. He used to ask me how I felt.

Q. Ask you if you wanted to come out? A. No, sir.

Q. Ask you if you wanted anything to eat? A. I used to tell him yes; he asked me if I was hungry and I said yes, and he said he was glad of it.

Q. Did he promise to send you anything to eat? A. No, sir.

Q. Does the absence of light in a cell during such periods of punishment cause you any particular kind or degree of inconvenience or suffering? A. Only when they open the door you can't see at first.

Q. It isn't the darkness you complain of? A. No, sir.

Q. Is the bucket emptied every day? A. You don't get one when you are in there very often; you do now, but you didn't at that time.

Q. You had no way of meeting the demands of nature? A. No, sir; except upon the cell floor.



Q. That is not the case now? A. No, sir.

Q. Did you ever call the attention of the keeper or superintendent to the matter? A. A few times I have.

Q. What did they say? A. They said they would bring me one, but I never got it; he would never give us one at that time; this was about two years ago.

Q. The discipline of the prison was more severe than it is now? A. Yes, sir.

Q. Is there anything in the discipline of the prison at present that constitutes a just ground for complaint in your judgment? A. No, sir; everything is going pretty well right now, and has been going so for the last two or three months.

Q. How was it last year? A. They used to trip you up pretty often then.

Q. What has caused the change? A. I don't know.

Q. Have you heard any reason assigned? A. No, sir.

Q. Have you any suggestion to make as to the cause? A. I couldn't tell; I have no papers to read.

Q. Have you ever been punished in any other way? A. I have been paddled.

Q. How many times? A. Once.

Q. Describe it? A. I was strung up to the door with my hands and feet tied and pants taken down; I was resting on my feet and hands were chained up like that, and my feet tied at the bottom, and they had a paddle about four feet long and an inch and a half thick, made of sole-leather.

Q. Did you see the paddle? A. Yes, sir.

Q. How many times did you ever see it? A. Seen it twice.

Q. How wide? A. About four inches.

Q. One end of it was wider than the other end? A. No, sir; it kind of come around like that in a curve.

Q. Was it about three feet long? A. Yes, sir; a little longer than that; about three and a half or four feet long.

Q. More than one thickness? A. Yes, sir.

Q. How many? A. I should think two or more; it was quite thick, about an inch thick.

Q. How were the two thicknesses fastened together? A. Sewed together.

Q. Any holes through the paddle? A. Not that I know of.

Q. Where did you see the paddle first? A. When it was used on me.

Q. When did you see it again? A. Saw it when it was used on a man by the name of Tibbetts.

Q. Did you handle it at that time? A. No, sir.

Q. How near were you to it? A. About a foot and a half.

Q. Was it the same paddle used on you? A. It looked like it.

Q. See any nails in it? A. No, sir.

Q. Any rivets? A. No, sir.

Q. If there had been could you tell? A. I didn't see it all.



Q. You saw it enough to be satisfied it was the same paddle used on you? A. Yes, sir.

Q. Was it the color of sole-leather? A. Yes, sir.

Q. How many times were you struck? A. I didn't count them, but the men that was in there said I got thirteen.

Q. Were they in immediate succession, one right after the other? A. Yes, sir.

Q. Who inflicted the blows? A. Brockway.

Q. The doctor present? A. No, sir.

Q. Beach? A. No, sir; McKelvey.

Q. What was the offense for which you were punished? A. I was in the solitary at the time, and I think a man by the name of Hune, he used to come around and take our food away, and he took mine away two or three days without permission from the superintendent; he might have got it from McKelvey; so I run him out of the cell one day, wouldn't let him come in, and I got paddled for that.

Q. Did you commit any violence upon him; strike him? A. Not anything to hurt him.

Q. Had he any right in your cell? A. No, sir; I don't think he had.

Q. Had he been put in charge of you in any way? A. He used to come in and lock us up nights.

Q. You say you were struck about thirteen times with the paddle? A. Yes, sir.

Q. What was said to you by Mr. Brockway before he commenced paddling? A. He didn't say anything.

Q. Did he tell you what you were paddled for? A. No, sir; after he got through he said he would come back and give me some more.

Q. Didn't he say after he struck you once or twice, that further punishment would not be inflicted if you would consent to certain conditions and terms? A. No, sir; he said he would come back for three mornings hand running, and see if I would come to time.

Q. What did he want you to do? A. He said he would make a better man of me.

Q. Was blood drawn by the paddle? A. No, sir.

Q. Blisters made? A. Yes, sir.

Q. The paddling was on your posterior? A. Yes, sir; ridges come up about as thick as that, and it was black and blue and I was sore for about two months afterwards.

Q. Any sores produced? A. Yes, sir; they come up about that thick; kind of roundish.

Q. Did you go to work immediately after paddling? A. Yes, sir.

Q. Continue at your work right along? A. Yes, sir.

Q. Did any sickness result from the paddling? A. Yes, sir; I have been sick ever since I came out of the solitary; I don't know whether that caused it or not.

Q. What is the nature of your present sickness? A. My lungs always bother me and I have rheumatic pains all over my body; I have pains at night in my muscles.

Q. Have difficulty in breathing? A. Yes sir; I feel pains all over my head in the night.

Q. Have you described your symptoms to the doctor? A. Yes, sir.

Q. What did he say? A. He has given me cod-liver oil and other stuff, and I have had a ration of milk once a night for about three weeks.

Q. Are you improving under the doctor's treatment? A. Yes, sir.

Q. Did you cry out in pain during the paddling? A. Yes, sir.

Q. On the first stroke? A. About the third I commenced.

Q. The pain was very severe? A. Yes, sir.

Q. Any more so than you had suffered in your childhood under parental chastisement? A. The worst I ever received.

Q. That was the only occasion you were paddled? A. Yer, sir.

Q. Have you witnessed any occasion of the paddling of other prisoners? A. Yes, sir; I can bring witnesses to it.

Q. Have you seen them? A. No, sir; but I have heard one.

Q. Who? A. Tibbets.

Q. Did he cry out loudly? A. Not so loud as I did.

Q. Did you count the number of strokes? A. No, sir, I believe it was twenty-seven he got.

Q. Who was present when you were paddled? A. A man by the name of Joseph Patterson, George Carr, Thomas Conley and Tibbets; they were in their cells but didn't witness it.

Q. Who was present when Tibbets was paddled? A. I don't know; I heard him cry out and heard the blows struck.

Q. How near were you to Tibbets? A. He was on one side and I was on the other.

Q. But you can hear? A. Very plain.

Q. Have you had knowledge of any other case of paddling? A. I have heard of it, but never seen it.

Q. The paddling is done where? A. In the solitary in the cell.

Q. Not outside? A. No, sir; there is big cells in there and they stand off one side and you are chained up to the door.

Q. Have you witnessed any other acts of violence on the part of officers of the institution towards the prisoners? A. Well, sometimes; when they take them over from the shop they beat them up pretty well.

Q. Can you recall any particular case of a convict beaten or treated in that way? A. I haven't never seen them, so I couldn't swear to it, but I know it's been done.

Q. Know it by what others have told you? A. Yes; and I have seen, but not so I could swear to it; I haven't been close by it, but I have looked out of the windows and seen it; I have seen the prisoners get struck myself by the officers.

Q. Struck with the hand? A. I have seen three or four struck with a club and some with the hand.

Q. Do you know the cause of it? A. No, sir.

Q. Don't know the offense? A. No, sir.

Q. Are you generally comfortable in your cells? A. In the third grade we ain't very comfortable; first and second we are.

Q. What is the trouble in the third grade? A. In there we don't get any coffee in the morning, have bread and water and cold hash, you can't hardly eat any of it; have no sheets or anything else.

Q. What have you? A. Nothing only blankets and pillow.

Q. What have you to lie on? A. Pillow and blanket.

Q. What does the bed consist of? A. Straw.

Q. Straw-tick? A. Yes, sir.

Q. Rest on what? A. Iron bedstead.

Q. During the cold weather are the cells comfortable? A. Yes, sir; they most generally are; sometimes a little cold and damp; bad for a man like me that has cold on the lungs I have most all the time; my lungs are affected bad; the cells are so damp it is bad for me.

By Mr. KELLEY:

Q. What do you work at when out of the Reformatory? A. With my uncle on the canal, and some on the farm.

Q. What, the Erie canal? A. Yes, sir.

By Mr. KEYES:

Q. Do you know the number of the cell in which you were paddled? A. I think it was number seven.

Q. Was it a square cell at the time? A. Yes, sir.

Q. Was it partitioned off diagonally? A. Square.

Q. Is the cell in the same condition now? A. No, sir.

Q. What is the difference? A. It is boarded off.

Q. With partition running diagonally from the one side of the door —? A. to the other corner.

Q. Cutting off a triangular portion of the cell and leaving the cell in a triangular shape? A. Yes, sir.

Q. When was that change made in the cell? A. Shortly after Reddington and Carr got punished in there one time; they got behind the cell so they couldn't flood them out, and they fixed them after that.

Q. At the time Reddington and Carr were showered the cell was full size? A. Yes, sir.

Q. As originally built? A. Yes, sir.

Q. The triangular part was boarded off afterwards? A. Yes, sir.

Q. So it would be impossible now for a prisoner confined in one of those cells to escape the showering, and couldn't get out of the way of the hose? A. No, sir; couldn't get out now, but then he could do it.

Q. Have you stated all the circumstances of personal violence toward the prisoners on the part of keepers that you recall? A. I will tell you the prisoners here the keepers are allowed to do any thing to them they are a mind to by the way they act, and they do do it.

Q. In the shops? A. Yes, sir; the other day when I was captured with the knife on me I was taken to the solitary and strung to the floor, and I don't believe the superintendent heard a word of it at all; he did it on his own accord.

Q. Who did it? A. Beach; I don't think the principal keeper has a right to do that to a prisoner, have they?

Q. You don't know whether the attention of Brockway was called to it? A. He sent me right down without seeing him at all, but he might have seen him after I got there.

Q. You were taken in and chained to a staple in the wall? A. Yes, sir.

Q. Is there any other keeper besides Mr. Beach who has any thing to do with the punishment of the prisoners here? A. No, sir; once in a while they kick them around and slap them around.

Q. Can you recall any particular keeper you have seen do that? A. Yes, sir.

Q. Who? A. Well, one day he was coming down a slippery place from the cess-pool, the little fellow slipped, and Mr. Culp came up and caught him by the face and threw him on the ground and kicked him five or six times in the back.

Q. Was the boy injured by it? A. I didn't see him much.

Q. Did he go to work after that? A. I didn't see him after that; sometimes it will be three or four weeks before you can see him again; this was about in the middle of the winter.

Q. Is he here now? A. Yes, sir.

Q. Could you pick him out? I could if I saw him; he went in the third grade at the same time I did.

Q. Which shop is he in? A. I think the broom factory; I don't know what shop he does work in.

Q. Are you under any apprehension you will be punished or treated with any greater degree of severity on account of giving your testimony here to-day? A. I'll tell you; I will show you my book and show you whether I have or not.

Q. Whether you are giving your testimony freely and frankly, without fear of the authorities of the prison? A. I am giving it just as I think it is right, and no other way at all; see here; I had three nines when I went to the court down town, and ever since I got back I have been marked every month, and some months I am sure I have done as good as any man in the prison; the first month after I come back I lost one mark for two little trivial offenses that no man would notice.

Q. Who called the attention to the keeper to the offenses? A. You are marked in the shop for everything you do by the monitors; they put down your name and when you get your book every month you find a mark on it — at least I do.

Q. Those books are made out by the keeper and handed back?  
A. The superintendent, I believe; he says so now.

Q. Have you any evidence you have been treated with any unusual severity since you gave your testimony on the trial of Simmons? A. I have been down ever since that, and they haven't acted as good to me as they did before that.

Q. Upon what subject did you give your testimony? A. I swore to whatever they asked me, whatever I thought was the truth.

Q. Were you knowing to the facts connected with the killing of McKelvey? A. No, sir; I was not in at the time, but I saw him at the time he got hit; Simmons was in the shop and he had some kind of a paper, and the keeper took it away, and he had a little scuffle with him and got his eye tore, and they put him in the solitary, and I heard afterwards he committed the murder; he said he would kill McKelvey if he come in his cell, and so he killed him, and they asked me when I was down about the treatment we had, and I told them just as I am telling you, and I told the truth too.

Q. Have you any evidence that the officers of this Reformatory, have treated you with greater severity in consequence of that testimony, aside from the marking you have? A. Nothing more than the book.

Q. You have never heard them say so? A. I tell you what I heard one day; I was upon the stand one day and Mr. Beach said to me something about the case, I don't remember exactly what; I told him what I thought about it; he said, "Well, if you can't stand it, we can;" that was as much as to say they would give it to me as well as they could.

Q. That was the construction you put upon his remarks? A. Yes, sir.

Q. This was after the trial? A. Yes, sir.

Q. About how long after? A. About a month.

Q. Beach succeeded McKelvey as principal keeper? Yer, sir; they make believe they are good to you, and at the same time they are always trying to put you down, trying to blind your eyes and think you don't see it, but you do just the same.

By Mr. FARRAR:

Q. Are your parents living? A. My mother is living in Syracuse.

Q. Have you been here but once? A. But once.

Q. Never been out on parole? A. No, sir.

Q. Came here at your own request? A. No, sir; I was sent here; I had a good many friends in Morrisville; I made them while in jail; Judge Kennedy sent me; they all liked me and I got led into this confession; I have never been so bad as they make me out to be here; the judge said, "Seeing you are young I will send you to the Elmira Reformatory." He said, "there you will go to school every night and have the best of food, and you don't sleep in cells as other prisoners do, you sleep in recitation rooms altogether." He told me I

would not stay longer than three or six months, or a year at the longest. He said "If you don't get out in six months they will have to let you out in a year," and told me we could play ball and all that sort of things; he said, I could take two years in Auburn or come here, and I told him if I could have everything like that I would come here; the other two men got two years in Auburn for the same offense, and the reason they sent me here was because I was the youngest, and besides, these fellows they sassed the judge and principal keepers around the jail and I behaved myself.

Q. Did the authorities of this institution know you had been in the penitentiary when you came here? A. I told the superintendent that.

By Mr. KEYES:

Q. Did the judge know it? A. Yes, sir; it was only a little offense.

By Mr. McDONOUGH:

Q. How many evenings do you attend school? A. Mondays, and Wednesdays and Fridays.

Q. Do you attend? A. Yes, sir.

Q. How long are you in there evenings? A. I believe an hour.

Q. How many are there in the school generally? A. They have a class, sometimes fifty, sometimes seventy-five, and one hundred.

Q. Can all attend if they wish? A. They all can attend if they want to; I have learned considerable since I come here.

Q. Have improved considerable? A. Yes, sir; in books.

By Mr. FARRAR:

Q. Did you know Henry Wood when he was here? A. Yes, sir.

Q. Know Yorky Johnson? A. Yes, sir; they were pretty good boys just the same.

Q. Day? A. Yes, sir.

Q. What did you go to the Syracuse penitentiary for? A. Petit larceny.

Q. Who sent you there? A. Corbett sent me once, and Mulholland sent me once.

Q. How old are you? A. Twenty-two.

By Mr. KEYES:

Q. What studies do you pursue? A. Arithmetic, and reading and spelling.

Q. How far advanced are you in arithmetic? A. Fractions.

Q. Ever study it before you came here? No, sir; never went to school but a few days in my life; I had a chance to go but didn't know enough to do it.

By Mr. CLAPP :

Q. You were in your cell five days at one time without any food and water of any amount whatever? A. Yes, sir.

Q. Not any water at all to drink? A. Not a drop of water or a mouthful to eat for five days, and no bed nor bucket.

Q. Any one come to your cell during that time? A. Yes, sir.

Q. Every day? A. Yes, sir.

Q. How many times a day? A. Once.

Q. Promise to send you bread and water? A. Didn't promise nothing; the watchman used to come around same as usual.

By Mr BROCKWAY :

Q. You testified in the Simmons trial in reference to some matter of five days? A. I don't remember now.

Q. Don't you remember what you testified to there? A. I do remember, but I don't remember that or not.

Q. You testified, according to the printed statement, that you were in a room for five days, but you say you had, during that period, only one piece of bread and a gill of water every day? A. That is not the time at all, this is another time; I didn't happen to think of this time when I was down there.

Q. You were confined two different times? A. Yes, sir; five days I was in that time, I was in a dark cell, for taking some tools over to Remington and Carr; they accused me of it but I never did it.

Q. What was the other offense? A. There was a man in the solitary by the name of Tom Brady; this was I think in 1879 or 1880; that must have been in 1880; this man Tom Brady was in the solitary, and he didn't have any thing to eat, and I was getting three rations a day; and we used to get bread and corned beef and such stuff, and this fellow was up on the top gallery and he threw down a string, and I tied him on something to eat, and he drew it up; and they went in my cell one day and they said I tore the bed-clothes, but I didn't, the bed-clothes had been sewed up some other way; he fixed the bed-tick so you would think it had been tore, and they put me in a dark cell and kept me there five days without a mouthful to eat or drink; did it for giving this man something to eat, and claimed that I tore something off from the bed-clothes to send it to him.

Q. How did they find out you gave him to eat? A. The fellow that came in to lock us up laid for us and caught us in the act.

Q. Did you give any of those men knives in there? A. No, sir.

Q. Haven't you lost marks or been reported, for giving them knives? A. I was reported and marked for it, but I never did give them knives, and I don't think you can prove it.



By Mr. SHELDON :

Q. Been in prison twice before ? A. Yes, sir.

Q. This may prove a reformatory to you ; you won't want any more ? A. No, sir ; I have eleven months now, and I would take two years in Auburn prison now if I could get it.

Q. How was it in the penitentiary ? A. It was a great deal better there ; the contractors used to fight with each other to have me work for them, because I was a good worker.

By Mr. FARRAR :

Q. You don't mean they came to blows ? A. No, sir ; but they wanted to see whether I was a good worker or not.

Q. Where does your mother live ? A. Geddes.

Adjourned for lunch.

3 P. M.

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*Alfred Baum* sworn.

By Mr. KEYES :

Q. You are an inmate of this Reformatory ? A. Yes.

Q. How long have you been ? A. About twenty-eight months.

Q. You were sent here from what place ? A. New York city.

Q. Where were you born ? A. City of Berlin, Germany.

Q. How long have you been in this country ? A. Before I was arrested ?

Q. Yes ? A. Six and a half months.

Q. What was the offense for which you were sent here ? A. Stealing.

Q. Grand larceny or petit larceny ? A. Grand larceny.

Q. How old are you ? A. Next month twenty years old.

Q. Was that your first offense ? A. First offense in this country.

Q. What work were you put at when you came to the Reformatory ? A. In the brush business.

Q. In the second grade ? A. Yes, sir.

Q. Have you remained in the second grade ever since ? A. No, sir ; reduced to the third grade.

Q. How long did you remain in the third grade ? A. I was reduced to the third grade and I remained in there till February 24, then I was transferred back to the second grade.

Q. How long did you remain in the second grade then ? A. From February 24 to December 1, and then to the first grade.

Q. Have been in the first grade ever since ? A. Yes, sir.

Q. Has the work been the same all the time ? A. No, sir.

Q. What is it now ? A. Broom business.

Q. Do you find your work easy ? A. Yes, sir.

Q. Any reason to complain of the tasks put upon you ? A. I have no task.

Q. How is that ? A. I don't know how, I have none.

Q. You simply do what you can ? A. I simply do what I can.



Mr. BROCKWAY here stated that the witness' work consisted in supplying or preparing certain work for other convicts.

WITNESS — I clean brooms, I don't make them.

Q. Have you ever been punished for not performing your tasks?

A. Yes, sir.

Q. In what way? A. Several ways; many ways.

Q. How? A. In the first place by losing marks and putting in the solitary on water and bread, and sometimes not any thing to eat.

Q. For how long? A. Well a day about.

Q. You understood that to be part of your punishment, to be deprived of your usual food? A. Yes, sir; it was very hard punishment too, because for several reasons: when you don't do your task in the shop you lose one or two marks; I lose at the same time and it keeps me in the solitary with nothing to eat, and living out of civilization.

Q. Have you been in the first grade since last December? A. Yes, sir.

Q. Been punished since that? A. Yes, sir; by losing marks.

Q. Haven't been reduced to the second grade? A. No, sir.

Q. have you been punished in any other way? A. Yes, sir; strung up on the hands without eating or drink.

Q. Ever been paddled? A. No, sir; not in the way you understood it; I never was paddled from the overseer without anybody's order, but not from the superintendent; he struck me with the hand, struck me in my face when we were marching in line near the first of April, and in seven days I was reduced to the third grade; well I couldn't keep step with the men ahead of me; I would go with my foot top of his foot, and he complained to the officer, and without he asking me any thing I said I couldn't help it, and he said "shut up", and I said "I can't help it;" he said "shut up", and when I said "I can't help it", he hit me in the face; I say "I don't want you to hit me," and I throw back on the floor and say "I not march at all" and he take me by the neck and kick me about from here to the wall, and struck me in the eyes and anywhere.

Q. This was deputy Beach? A. No, sir; overseer Webster.

Q. He did not report you to the superintendent before striking you? A. No, sir; but he did afterward, and then I lose three marks, and on the same case I was turned off without eating or drink, but I complained to superintendent Brockway and he gave me three marks in this same case and I lose no three marks then; I call it give back, but I just explain it; I then lose three marks and you put it in this way, and then you sent my book back and he put those marks losing without not any thing to say, and I think you gave it back, but there I lose three marks.

Q. Did you speak English well when you came here? A. Didn't speak it at all.

Q. Did you have any difficulty in getting along with your work in consequence of not understanding English well? A. No, no; that was nothing; I had many consequences in other ways.

Q. How? A. I come up here and go in the shop and complain to me in several ways; you have got to behave yourself with your hands and every thing; perhaps there was one overseer; that was the first grade overseer; he was a very curious man every way; his name was McLean, first grade prisoner; he had several ways; one day I could do what I liked and he not mark me at all, and the other day he would do it; one time I was in the solitary; I was in two days on bread, and to sleep on the floor over night, bare floor, and get bread and water; this was December 24, 1879; I came in the shop and in the evening I asked—I raised my hand when I want to go in the water closet, and McLean wouldn't let me go, and two minutes before I was up with Beach and he said, "I don't want you to go so often;" and he said, "I wanted to go to the overseer," but I didn't; I want to go to the water closet, and he said no, sir, and I went then, and for that reason he make me a little fool if he don't let me go, and I go alone without asking anybody, and that night I told Mr. Brockway the trouble I had in the shop, and Mr. Beach told him; well, he said, "I see you to-morrow," and to-morrow was Christmas, and Mr. Brockway forget me and I didn't see him; it is all right, and the next day I go in the shop and McLean took and put me right over to make an inmate to do with me as he pleased; want to make me just the same as fool me; then I commenced to do as I like; I don't ask to go from my place nor I don't ask to talk; well, he talked to overseer Beach, and overseer Beach went over and took me out of the shop and put me in the solitary without seeing Brockway; if I see Brockway I am sure I be not put in; he put me in solitary and put me in the cell and left me in there and let me sleep on the bare floor without except one blanket; I slept on the floor and I slept on my bucket I had in there; next day I had the same thing, and Sunday morning he let me out; Monday I see Mr. Brockway, and he was always kind to me, and told him I do wrong and I shall not do it again, and he let me out in the shop again, and I complain to him of that thing, how I should keep rules I haven't had, nor I don't have rules printed; if I did I could study that, for I would get marked often for looking around, often when managers come in; I was marked for such things, but I never lose a mark for that; I lose marks for looking around, and I speak to Brockway and he canceled it for me; when I come from the solitary I could not do my task in there, I got discouraged; I come over here and I had no friends, and I wrote to my parents and they don't answer me, and make me very sorry, and I see men getting three meals a day, but I don't expect any spring chicken, but I get nothing; I complained, and complained, and complained, and never helped me any, for the reason Mr. Brockway said a man who get discouraged, he said, "if you get discouraged you can never be President of the United States, nor can you get Blackstone to be in any way"; then he tell me about a man that shall put a railroad through and get discouraged and said he couldn't do it, then a new man come and put the nicest railroad through in the world; well, when a man ever get discouraged, what makes me much more dis-

couraged I can not keep my mind on my work, a staying there ; I thought on this next day and the next day on that, and then the time goes on ; when the time comes I have only five thousand when I should have six thousand, for I won't lose a mark in the shop ; I might say I was satisfied, while I know many men losing it, while in the solitary working till eleven o'clock at night without any thing to eat so to do it, seven o'clock and seven o'clock at night, he have no work ten hours, we work by gas full time ten hours the same as in the summer, but when I count my work up I have only three or four thousand, for I can't do it, and I get no supper and I have to work till I get it, sometimes it is eight o'clock, sometimes nine and sometimes ten, and once eleven, and I still work. The overseer said he keep me all night. I don't know if Brockway gave the order that I work till eleven o'clock ; I asked Mr. Brockway and he said I must learn to do my task, then I go to asking myself, and say to myself that I don't must do the task work in that hours, when it is expected the same for me to do in eight hours, I didn't learn it in these times, for I could not do it in the solitary ; I get discouraged and I'm in there for nothing else only not doing my task ; I was a little mad and I said " I can't get along in this shop at all again, and you better put me in the solitary, when I'm in there I do as I like, and next day Brockway came down and he said "you make a great mistake if you can't get any thing done here" ; I said "let me out" Now he said "the trouble is you don't do your work ; I cannot let you out ; when you do your task in ten days I let you out" ; and I did it and I got out in the regular time ; Mr. Brockway said, "I will let you out when you do your task" ; and he let me out, and the overseer pitied me and he took me out in the morning before ; he wanted me to get out of the solitary for I was too long in there ; well I said, "why shan't I get any thing to eat" ; I lose marks for little things when a man needn't get them, for two or three offenses of talking, lose marks for drawing brushes with wrong stock, one day I had three kinds mixed up, one should be with horse hair, the other bristle, the other tampico, I saw my mistake and I go to the overseer and I said, "I make a mistake," said he, "what's the matter, you crazy" ? said I, "I don't know." He said, "we don't want such business," and he went and reported me, and I lose marks for such little things as that ; I lose three marks for drawing brushes with wrong stock.

Q. You say that these failures and mistakes have resulted from your not understanding the rules in many cases ? A. I don't say that quite ; I told you Mr. Brockway tell me I must do my task ; the only thing is, I don't see why men lose conduct marks in the solitary ; I don't care much about the task.

Q. What is it you specially complain of now ? A. I want to get out of here.

Q. When does your term expire ? A. It bothers my head day and night ; Mr. Brockway once told in the chapel when a man ever been in prison before he must stay his full time here. Now I been here twenty-eight months, and I never steal in this country but the

once, but if I was in prison in Germany that has nothing to do with this country; I come up and told as a man, but I seen my mistake. The question which I want to know is first if you count that when I was in Germany in prison, if that has any thing to do with my time now.

Q. Those are matters with Mr. Brockway and the authorities of the prison; what we have to do with is our own laws, violations of them, and to inquire what you know about the management of this prison? A. But I don't get out this way; I be here twenty-eight months; why shouldn't I get so good if I not stay that long; isn't it the same if you walk around Elmira, for he say you may get back to the Reformatory; I have shown improvement in some ways; I do as good as I could. There is a man by the name of Vanvant what gets out, and he does what he likes, for he's as big here as the Czar of Russia, he talks ugly, and he has servants for blacking his boots and washing his neck-tie and attend to him, a man in any way no better than I am, only that he has perhaps behaved himself a little better and when he have friends here that help him, I know of men doing as they like and never get marks.

Q. What we want to know to-day is as to the management of the institution; you have never been paddled and only punished by the loss of marks and confinement in the solitary and hung and chained to the staple in your cell? A. And sleeping without a bed.

Q. Have you seen any cases of violence or severe and harsh treatment by the keepers, aside from your own case? A. I don't understand the question.

Q. Do you know of any other persons who have been treated with violence, struck or kicked? A. Yes, I know of a case.

Q. What case? A. I have to give you the name; that's a hard thing.

Q. Things you have seen yourself? A. I don't think I can give the names; Jacobson is one, he work now in the machine.

Q. What was done with Jacobson? A. I seen—he went up to another one of these monkeys; first grade prisoners; first grade managers; went up and asked him if he marked or something; may have called him some name, but I saw he struck him, and Jacobson hit the manager; and then the officer Vaneer went down and hit him and afterward Beach hit him; then if a man cannot walk him over the line, they stay behind with a cane or club, and he learn quick walking.

Q. You don't know the offense? A. No, sir; in the solitary Mr. Beach went into the cell and hit the man very hard; I didn't see him but he hit him very hard; Welch his name was, John Welch; then I see the case where Mr. Webster hit a man by the name of Tom Robertson, and then I think Webster's in the right; if I'd been overseer then I would have hit him, because he deserved it, for he hit first, and the other case Pat Conley; I know those men deserved it then; well, I see one man I seen Beach lick; his name was Radius; there is one man's name I don't remember though, I can't think of it.

Q. Do they give you enough to eat? A. Plenty except the time I was in punishment; I don't get enough then.

Q. That is all of the punishment? A. Yes, sir.

Q. Is the food generally of good quality? A. Good enough for prison.

Q. As good as you expect? A. Better as I expected.

*John Rudolph* sworn:

By the CHAIRMAN:

Q. How old are you? A. About 21.

Q. How long have you been in the Reformatory? A. Four years and five months.

Q. From what place were you sent here? A. Syracuse.

Q. What was the offense for which you were sent here? A. Assault, with intent to ravish.

Q. Who was the judge? A. I don't know the name.

Q. You went into the second grade when you came here? A. They didn't have no second grade when I came.

Q. Are you now in the third? A. Yes, sir.

Q. How long have you been in that grade? A. All together I am going on thirty-six months.

Q. What work have you been put on? A. I have been put on buckets and pick and shovel, now I am in the hollow ware.

Q. Ever been punished since you have been in prison? A. Well, not enough to speak of.

Q. Ever been paddled? A. No, sir.

Q. Ever been punished by being hung up by the hands? A. Yes, sir.

Q. Put in the solitary? A. Yes, sir.

Q. A dark cell? A. No, sir.

Q. Been chained to the staple in the wall? A. Yes, sir.

Q. Why were you punished? A. For having tobacco.

Q. Not performing your tasks? A. I never had no task till lately.

Q. Ever punished for resisting an officer or an assault on a keeper? A. No, sir.

Q. Assaulting a prisoner? A. I was put in the third grade for assaulting a prisoner.

Q. What was the occasion of the assault? A. He gave me away on tobacco.

Q. You punished him for it? A. I didn't punish him.

Q. You tried to, struck at him? A. No, sir.

Q. How did you assault him? A. I gave him lip.

Q. You didn't hurt him very bad? A. No, sir.

Q. Have you seen any cases of punishment in the Reformatory? A. No, sir.

Q. Never saw a prisoner paddled? A. No, sir.

Q. Ever seen a paddle in the prison here? A. No, sir.

Q. Have you had any reason to complain of the work put upon you ; has it been harder than you could perform ? A. No, sir.

Q. Have you found it difficult to learn the work you were required to do ? A. No, sir.

Q. But you sometimes failed to do the required amount of work ? A. Yes, sir.

Q. If you tried a little harder you could have performed the task, might you ? A. I am doing the best I can.

Q. Have you any complaint to make against the management of this Reformatory ; if you have, state it just as frankly as if Mr. Brockway were not present, and as freely as if speaking to one of your associates in prison ? A. I went down and asked for some short time, and he said I couldn't get any, not in the grade where I was.

Q. Asked for what ? A. Short time.

Mr. BROCKWAY — On a five years' sentence they would get seventeen months off ; and after the three years is off he wanted to know if he was going to get any of the seventeen months, and I told him not.

Q. You understand you will have to stay the full five years ? A. I don't know.

Q. Do you have enough to eat ? A. Lately.

Q. Did you when you first came here ? A. No, sir.

Q. The fare has improved in the last year or two ? A. Yes, sir.

Q. Do you hear any complaint among the prisoners now as to the food ? A. No, sir.

Q. Have you been sick since you have been in the prison ? A. No.

Q. Never had occasion to call for a doctor's services ? A. I went around to see the doctor once in a while.

Q. Have you seen any cases of violence on part of the keepers toward prisoners ? A. No, sir.

Q. The keepers have treated you fairly you think ? A. Yes, sir.

Q. And do you think they treat the prisoners fairly as a general thing ? A. Yes, sir.

Q. Do you think the prisoners try to do their best, or do some of them shirk a little ? A. I don't know about that.

Q. You have opportunity to know whether they shirk, how many hours a day do you work ? A. Eight.

Q. What do you do on Sundays here ? A. Don't do nothing ; sit in my cell.

Q. Go to the chapel ? A. Yes, sir.

Q. Every Sunday ? A. Yes, sir.

Q. Have any thing to read ? A. No, sir.

Q. Isn't there a library connected with the Reformatory ? A. There is a library but I don't get them.

Q. First and second grade men do ? A. Yes, sir.

Q. Do you attend the night school ? A. Yes, sir.

Q. How many nights in the week ? A. Three.

Q. How long each night ? A. About an hour and a half.

Q. What do you study ? A. Why ; you mean what I read ?



Q. What do you learn? A. I don't understand; spelling and reading, and arithmetic.

Q. You learn to read? A. Yes, sir.

Q. Could you write before you came here? A. A little, not much.

Q. How far have you got along in arithmetic? A. Way over in long division.

Q. Can you work examples in long division? A. Yes, sir.

Q. Ever go to school before you came here? A. Yes, sir.

Q. How much? A. Quite a number of years.

Q. Born and brought up in Syracuse? A. No, sir.

Q. Where? A. I couldn't tell you the place.

Q. In this country? A. Yes, sir.

Q. Where do your parents live? A. Syracuse; there is were they did live when I left; I haven't heard from them in the last three years.

Q. Have you ever been in prison before? A. No, sir.

Q. This is your first term? A. Yes, sir.

Q. What have you to say as to Mr. Beach, the principal keeper, as to his treatment of you and the other convicts? A. Mr. Beach has used me pretty fair, I ain't found any fault with him yet.

Q. Had no occasion yet? A. No, sir.

Q. Do the convicts generally find fault with him? A. Some of them say they do.

Q. Some find fault? A. Yes, sir.

Q. Well, do you know who these gentlemen are who are conducting this investigation to-day? A. No, sir.

Q. Do you feel entirely free to say what you think in regard to the management of this institution in the presence of Mr. Brockway, and to talk just as freely before him as if he were absent?

Mr. BROCKWAY—Would you say what you think as well as if I went out? A. Well, I suppose I would.

Q. Do you not find fault with Mr. Brockway's treatment of you? A. No, sir.

Q. Ever found any fault with his treatment of you? A. No, sir.

Q. You don't labor under any apprehension that Mr. Brockway or Mr. Beach will treat you with any greater severity if you should make statements that were damaging to the management of the institution you would not be afraid they would punish you for telling the truth here? A. I don't think they would.

Q. You are not afraid to tell what you would like to tell in the presence of Mr. Brockway? A. No, sir.

Q. And have you any thing further you would like to tell or say to the committee about the management of the institution? A. No.

Q. If you could talk privately to us would you tell us any thing further? A. No; I would like to know if I am not going to get any short time.

Q. That is the main point? A. That is what I want to know.

The committee have no power over that matter; but the committee will recommend Mr. Brockway to look carefully into your case, and all other cases, and do justice by you as the law requires.

WITNESS — This place was put up for a reformatory and not for a prison; we stay too long, seems to me, for that.

Q. Do you think you have improved or been reformed under the management of the institution; are you any better than you were when you came here? A. No; I don't think I am.

Q. Whose fault is it? A. I don't know; I guess it's mine.

By Mr. McDONOUGH:

Q. You are a better scholar? A. Might be.

By Mr. KEYES:

Q. Could you write when you came? A. A little.

Q. You write quite well now? A. Yes.

Q. Write letters to your friends outside? A. They won't let me; in the third grade.

By Mr. SHELDON:

Q. Do you think you would do the same thing if you were out, if you should get a good chance? A. No, sir.

Q. Then you are better some than you were? A. Well, I might have been just the same if I had been outside; just the same as I am now.

Q. You think you wouldn't do it again if you hadn't been sent here? A. Yes, sir.

By Mr. CLAPP:

Q. Improved in scholarship? A. Yes, sir.

By Mr. LIVINGSTON:

Q. Have you learned any trade since you have been here? A. I haven't been at any trade long enough to learn it.

Q. Will you learn it by the time you have been here five years? A. I would like to learn a trade; if they had put me at it when I first come.

Q. What are you working at now? A. Grinding.

By Mr. FARRAR:

Q. Did you plead guilty to the charge? A. Yes, sir.

Q. Did you ask the judge to send you here? A. No, sir.

Q. Did any of your friends or counsel? A. No, sir.

By Mr. LIVINGSTON:

Q. Did you ask him not to send you here? A. No, sir.



By Mr. FARRAR :

Q. Did you have a lawyer? A. No, sir.

Q. You went into second grade when you came? A. Didn't have any second grade when I come.

Q. What keeps you in the third grade now? A. Well, I cannot get my nines to get out.

Q. Cannot get your proper marks? A. No, sir.

Q. Why? A. I cannot do the work sometimes, and then other times get marked for little things; fooling.

Q. What do you do that is fooling? A. Talking to fellows and raising hell around there.

Q. That is a thing you can control? A. I guess so.

Q. You can control those things, can't you, and behave yourself? A. I might if I tried.

Q. You can get in the second grade by doing that? A. I don't know about that.

Q. What makes you think you can't? A. Well, I haven't much longer to stay; I just as leave stay in the third grade.

By Mr. KEYES :

Q. Some days you do the full task? A. Yes, sir.

Q. Why can't you do it other days? A. Some days the foreman is good-natured and some days he isn't; some days he will pass the work the way it goes in and some days send it back and say it won't go.

Q. You think it is the fault of the foreman that you don't complete your task every day? A. Yes, sir; when he wasn't here I sent in my task every day till about the 11th, and then he come around and cut me down.

By Mr. FARRAR :

Q. Why? A. He wouldn't let me send in the work; I had to do it just so nice and take just so many minutes to a pot, and he wouldn't let it go.

By Mr. SHELDON :

Q. How long have you worked at the grinding business? A. I commenced in September.

Q. Is your health as good as when you commenced at it? A. Yes, sir.

Q. Did you formerly work ten hours a day in prison? A. Yes, sir.

Q. How many now? A. Eight.

Q. Do you think you do less work in that eight hours? A. When the contractors first came here they wanted us to do a hundred and we couldn't do them, and now it is ninety and we can't do them.

Q. How was it at ten hours a day? A. They done a hundred.

Q. Now you do ninety and eighty ? A. Yes, sir.

By Mr. FARRAR :

Q. Does the grinding affect your eyes ? A. It did at first, but not now.

*John F. Taylor* sworn :

By THE CHAIRMAN :

Q. How old are you ? A. Twenty-one.

Q. When were you sent here ? A. I was sentenced March 29, 1880.

Q. About two years ago ? A. Yes, sir.

Q. Where were you sent from ? A. Brooklyn.

Q. What was the offense with which you were charged ? A. Attempt to commit burglary in the third degree, and I plead guilty.

Q. Any other parties associated with you ? A. John Breen got one year in the Kings county penitentiary on the same crime ; he got out in ten months.

Q. Was that your first offense ? A. It was not.

Q. Was it known to the court at the time you were sentenced that you had been in the prison before ? A. Yes ; I had been in Kings county penitentiary and Blackwell's Island.

Q. What offense had you been convicted of before ? A. Petit larceny both times.

Q. What has been your work since here ? A. When I came here I was put nailing handles on brushes for about two months.

Q. In the second grade ? A. Yes, sir.

Q. What did you do then ? A. After that I was moved from one place to another ; the instructor moved me until I was put on the glue bench and I stayed there eight or ten months, to glue the backs of brushes ; it wasn't bill-posting ; it required skill to do it.

Q. You are now in which grade ? A. Second grade.

Q. Ever been in the first grade ? A. No, sir.

Q. Ever been punished ? A. Yes, sir.

Q. In what ways ? A. Well, I was first punished in June, 1880 ; I was here three months, the first punishment.

Q. What was it ? A. The keeper he is dead now, and I don't care to report it ; Samuel Middaugh's brother, I refused to sit down ; I was standing up when there was no work to do, and I was smiling and talking, and he asked me to sit down, and I told him I had as leave stand, and because I didn't sit down he sent for the book and charged against me for refusing to obey ; I was two days in solitary, and hung up till about twelve o'clock and then let down.

Q. Any other case of punishment ? A. The next punishment was in June, a year after that.

Q. Went a year without being punished ? A. Yes, sir.

Q. What was the next punishment? A. I think if there was any thing between that time, I didn't have any other punishment; but been reduced in grade, and the next punishment came on the 17th of June after that; this was this last June; me and a man named Long dug a hole under the shop at intervals during the day; we dug a hole about six feet by four and a half deep, and we went down there on the 16th and buried ourselves in with dirt over us, and they got under the floor and found us about seven o'clock.

Q. What was your object in hiding yourselves; trying to escape?  
A. Yes, sir.

Q. You wanted to get out? A. I thought I was reformed.

Q. You didn't get out? A. No, sir; I got in.

Q. What did you get into? A. The keeper said I wanted to go in for my mush and I forgot it the next day after that; I didn't get no punishment that night; I just got treated the same as the other man; got my bread, and blankets and breakfast, but the next day I got a shackle put on, and I was allowed to work with it on; one shackle on my left leg, twenty to twenty-two pounds; rivited right on by a blacksmith, and I couldn't get it off night or day.

Q. How long was it kept on you? A. Put on the 17th of June, taken off September 6th.

Q. Kept on over two months, was it? A. Yes, sir.

Q. Did they tell you why you put it on? A. For trying to get away.

Q. Have you ever been paddled? A. Well, the machine a was strap as nigh as I can recollect.

Q. What sort of a strap? A. I didn't have it in my hands, but I felt it.

Q. Did you see it? A. Yes, sir.

Q. How long was it? A. About three feet.

Q. How wide? A. It wasn't wide, it was round like a piece of rubber hose.

Q. Wasn't it rubber hose? A. Couldn't say whether it had any lining in it or not.

Q. Do you think it was leather? A. No, sir; because it bounced.

Q. Did it make you bounce? A. If it was leather it would stick to the last.

Q. It lasted long enough? A. It did.

Q. What had you been doing? A. There was a keeper here who was prejudiced against me, because I know it; there was a man working that knew that keeper outside; Mr. Leaks, he is gone now; I was put to work with this man and he was a friend of the keeper; I had a kick with the prisoner and he went up and told the keeper I was trying to put him in trouble, and the keeper said "I'll fix him," and I seen as soon as I got to a floor of my own, that the keeper was onto me; I went up and ordered a pair of pants from the keeper; mine were burned from the ladle; I got them, and I had them about two or three days and I burnt the

other pair ; I didn't do it intentionally, and the keeper said I did ; I told him I didn't do it intentionally ; because the ladle coming up singes the cloth, and I asked him for another pair, and he reported me for that ; and he made several charges against me, I don't know what they are ; there was an old pattern board back on the floor ; it wasn't of no use ; it was an extra one, and I took the pieces ; there was two pieces that held it together ; there is two pieces under it that it sits on, and I knocked the boards out to bank my sand against ; if I had thought I was doing wrong I would have done it so he wouldn't saw it ; I done it out like a man ; I didn't sneak behind a flask ; it was to keep my sand from falling into the flask, and he said : " willfully and intentionally breaking a flask board ;" that night he reported me to the deputy ; I don't know who it was, deputy or superintendent ; and I was kept locked in that morning ; think it was in the month of August ; that morning I was kept locked in my cell, I didn't know what on earth it was for till a colored man came up and unlocked me and said : " the superintendent wants to see you ;" when I came down the superintendent and Beach was in the hall, and Mr. Beach made the complaint of what the keeper told him about every thing ; I didn't deny it, I burnt my pants and I broke the board, and the only thing I said was I didn't break it with intention to destroy any property ; because it could be replaced by putting it back and putting the nails in the same places, without any harm ; I was guilty of burning my pants and breaking the pattern board both ; I was then taken to the solitary below ; the wing below, and two handcuffs put on me ; and put against the banisters of the stairs and hung up there ; and my pants pulled down, and strapped ; I don't know how many times, I didn't count them.

Q. Did it hurt ? A. A little.

Q. How many times were you struck ? A. I didn't count them, I was too excited.

Q. Did you yell ? A. Yes, sir ; I couldn't help it ; I had been strapped a good deal when I was a boy, by my father, but I never came across any thing that stung like this ; the man that invented it, I would like to try it on him.

Q. Did the punishment result in any permanent injury ? A. After that I was let down from the stairs and taken up upon the second gallery and chained on the bottom bolt with one hand ; I was there about five or six days, when I sent for the superintendent and asked if I could go to work, and he wouldn't let me go to work, thought I needed more, so a day or two after that my hand went to sleep, I went to sleep myself, the cuff was on tight and it got my whole arm to sleep ; I couldn't get the blood into it ; my bones were just get calloused up hard and my arm got sleepy and I couldn't control it, I had a bucket in my cell, had two rings on, when you pull the handle up locks the bucket ; I took the handcuff on my hand and I pressed it into the crack of the wall ; the cell is partitioned in a triangular shape

I put the cuff in the crack and took the bucket cover, and put them between the rings and twisted it right off, twisted the hand-cuff off and released my hand and walked up and down and got my blood in again, and then I put the hand-cuff on again and pounded it in, pounded it in the same place as before, and it couldn't be discovered at all. I don't believe, only some man up stairs told the night watchman, and when he came in that night he examined and found a small crack in them, and he said I had had it off, and he went to Mr. Beach, came down and examined them, and went away again, he didn't know they'd been broke, and he come back again in about five or ten minutes with a big pair of leg irons for both my legs, and he said "I guess we will put you down so you won't break and chew up any more hand-cuffs;" I denied to him that I broke them, when he looked I denied that I broke them, he got me by the throat when I was laying down and guzzled me by the wind-pipe till I was almost strangled, and asked if I would acknowledge I broke them, I didn't acknowledge till he give me a pretty tough choking, I said yes, I couldn't say yes, but I squeaked it out some way, then he let me up; when he got his hand off my throat I said for God's sake give me some air; some new men up stairs heard him say that; he put leg irons on and another pair of cuffs on my hands, put leg iron on one leg and put it through the bar of the door in on to the other leg, so I would have to come down off of my bed and open the door, if I was lying in the position I would have to pull myself away down to let them come into the door to me, I couldn't get up and sit on the bucket, I could get up if I put the bucket in the bed, which I was afraid would of course wet the bed, kept me chained down that way till Christmas, I was in till the day before Christmas, I was about four days down with my hands and feet, or five; then the day before Christmas Mr. Beach came in and took the cuffs, the cuff off, and left the feet ones on, I stood up and could move my feet a little the first time they took me down after I had been strapped, I got bread and water till Sunday morning, three mornings, and a slice of bread and a gill of water, and Sunday I got three meals. Then the next week I got bread and water again, Monday and Tuesday and Wednesday. to about Thursday, and then I got one ration, hash and a ration of bread and all the water I wanted that morning, I don't remember exactly how the rule was, but I know I was kept on bread and water three mornings and then I got one ration, and I think the next alternate day, I don't remember.

Q. At the time you were paddled was there any blood drawn? A. I couldn't see, there was blisters there, because when I got in my cell I put my hand down and bursted a couple of blisters.

Q. How long did you suffer from the blisters? A. The pain lasted about three days.

Q. Has there been any other case that you suffered punishment? A. No, sir; I don't want to suffer no more; I only got six months and I made up my mind to brace up; I don't care about seeing that strap any more.

Q. It is a rather ugly acquaintance? A. Pretty good medicine for a man that needs it.

Q. Have you seen any cases of punishment of other prisoners? A. I have.

Q. Who? A. First one was a man named William Collins.

Q. How? A. I didn't see him punished, but I——

Q. Was there any cases you saw yourself? A. That I saw?

Q. Yes? A. I haven't seen any that I saw.

Q. Ever seen a keeper strike a prisoner? A. No, sir; but I have been right above a prisoner when a keeper went in the cell with a cane.

Q. As the prisoners have been passing to and from the shop to the dining-room have you seen any cases of violence toward the prisoners by a keeper? A. No, sir.

Q. Or in the shops either? A. No, sir.

Q. How about food generally in prison? A. Well, I have been in prison before and the food in regard to the dinner meal is equal to any other, but sir——

Q. Cannot speak in favor of supper? A. No, sir; I can speak in favor of dinner

Q. Breakfast? A. That's all right.

Q. What does supper consist of? A. Mush generally.

Q. You are not fond of mush? A. No, sir; there's too much of it, the reason I favor dinner is on a good ground, I know what the fare is in State's prison, and I know what it is in Kings county, you get nothing but water, but you get a warm cup of coffee here, that is, if you are in the second grade.

Q. And in the second grade is the coffee weak? A. It is just like——I haven't been in the first grade, I don't know how it is there.

By Mr. FARRAR:

Q. Now at the time you say that you were strapped and hung, up by your hands, did your feet rest on the floor? A. I recollect at the time that the superintendent told the deputy to hang me up he said "put him up pretty high."

Q. Where did the weight of your body rest? A. I was so excited at the time, I think I was about on my tiptoes, because when the cuffs were taken off there was blisters on my wrists, so there must have been some pressure on my wrists, though I was held by my feet.

Q. How were you held? A. The deputy held me by the feet.

Q. Did the weight of your body rest on the deputy? A. I don't know; when I had the cuffs off there was big blisters and black and blue marks on my wrists.

Q. Do you go to school? A. Yes, sir.

Q. Have you learned any thing here? A. I am in the highest class, Dr. Ford's.

Q. Were you in school before you came? A. Yes, sir.

Q. Have you improved any? A. In philosophy and science I have.

Q. You are taught that? A. Yes, sir.

Q. Go to school every night? A. Every night there is school.

Q. Do you have certain tasks to learn in school? A. Have an examination every month.

Q. Are you punished for not learning those tasks? A. You are degraded in rank; if you miss in school for three months, it is equivalent to losing your marks; you are credited three marks for school, three for labor and three marks for conduct; if you lost altogether in school it counts you six, if you lose them, they deduct the three marks, which leaves six.

Q. And just the same as to labor? A. Yes, sir; just equal to the three for school, three for conduct and three for labor.

Q. Have you lost any marks on account of your school? A. Yes, sir; once in a while.

Q. Have you heard any complaints of other prisoners in that respect, that they could not learn their tasks? A. Yes, sir.

Q. Do you know any prisoners degraded on that account? A. I know a prisoner, that was brought back on parole, and never lost any marks, but for school, and could not get up in the second grade through that reason; I remember him showing me his book, and telling me that only for school, he would be up in the second grade.

Q. What are you doing? A. Molding straight kettles.

Q. You have learned the trade? A. Yes, sir; because I know how to do it; what I put up is good.

Q. This indicates that? A. Yes, sir; that is the report from the office.

Q. When you leave this institution, you will have that trade? A. I don't know whether I will take that laborious trade or not; if I like it; I can make good work.

By Mr. KEYES:

Q. You haven't learned to like the trade? A. No, sir; I wasn't built for a working man; I was raised a pet they say.

By Mr. FARRAR:

Q. Ever work till you came here? A. Yes, sir; I worked in the Brooklyn Eagle office.

By Mr. KELLEY:

Q. Did Judge More sentence you? A. Yes, sir.

Q. Did you ask him to come here? A. No, sir; my grandfather did.

Q. He is a minister? A. No, sir; he is too old now.

Q. What is his name? A. Rev. Josiah West; I don't want that to go out in print; he thought I had suffered enough in prison; he



had seen enough of it in the other prisons I was in ; he thought I would come here ; but he didn't think it was what it is, I suppose.

By Mr. FARRAR :

Q. You say you would rather go to State's prison than stay here ?

A. Yes, sir.

Q. Why ? A. I would prefer to go there.

Q. Why ? A. Several grounds, sir.

Q. Have you ever been to State's prison ? A. No, sir ; but I know some men that have been there.

Q. Why then do you wish to go ; state ? A. In the first place in State's prison, a man can write home for any reading matter that won't injure him, like novels, can write for family story papers or Seaside library papers, or can send for a box of fruit every week, if he like ; there is nothing that will regulate a man's digestive organs as fruit, once in a while, if he's in prison ; I know it by experience ; another reason, a man can have his pipe and tobacco after he gets his meal.

Q. Are you not allowed tobacco ? A. Oh ! oh dear, oh dear.

Q. I think I saw one man with tobacco ? A. I know it was bark of a tree.

By Mr. LIVINGSTON :

Q. When you were hauled up to the banister, were both hands put up at once ? A. He took the cuffs and pulled one hand over, and locked then on the other end.

Q. Did he put his arm around your waist, to lift you up ? A. I don't remember ; I think I was stretched up on my tiptoes.

Q. When Mr. Brockway went to strike you, did Mr. Beach put himself under you, so he could get a better whack ? A. Yes, sir.

Q. When he pushed under you didn't he push your feet out so they wouldn't touch any more ? A. If I was pushed in any more they wouldn't touch.

Q. Whether Mr. Beach might have shoved himself under you so as to shove you out ? A. Yes, sir.

Q. Then your feet did not touch ? A. No, sir ; they didn't touch at all till after I was done.

Q. While you were being whipped your feet were off from the floor ? A. Yes, sir ; I didn't stand on the floor while I was being punished.

By Mr. KELLY :

Q. Isn't the uncertainty of time of confinement a cause of complaint ? A. I had rather go to State's prison ; for if I had plead guilty to my crime I would have been a free man ten months ago, if I had had the full extent of the law ; the man that was sentenced with me was an old offender, and only got one year.



By Mr. BROOKWAY:

Q. Have you ever been in any fights in the prison? A. Yes, sir.

Q. During the time you had that iron on did you make an assault? A. I committed an assault, but it was justifiable.

Q. Who was it on? A. I went into the bath-room one day with a shackle on; and right next to the bath-room was a water-closet, and the partition went only half way to the cell; while I went into the bath-room there was another man went into the water-closet, and he got up on the ladder in the water-closet; as you go in the water-closet, there is a stick outside in the shape of the bottom of a shoe, you take that stick in with you, and when you go out you take it out; the stick was heavy beach wood; when this boy got up on the ladder he had a lot of water, and he spit the water out of his mouth down on to me; and I had some words with him, and told him to get down; and he commenced raising the stick, and said "what will you do," and he let the stick down and took me on the bridge of the nose; plump on the nose; and that produced a pretty momentary passion, and I buttoned up my pants, pulled them up, and went in out of the bath-room and I dove in at him through the door, and gave him a little punishment, the best I could, till I was parted and brought over to the hall, and was excused on it, because it was justifiable; I was let go back to my work and he was punished for it.

Q. When was the iron put on? A. June, or September 17.

Q. Did that spoil your marking? A. Yes, sir.

Q. How are you able to get in the second grade now, when you couldn't before? A. One thing, I wanted to get letters from my people.

Q. Didn't you get letters before? A. Not in the third grade.

Q. Why wasn't you in there? A. I could no more get nine in that brush shop, among a lot of boys, than nothing.

Q. Why didn't you get nines before? A. I lost on school.

Q. Why can you get them now? A. Because I have made up my mind to take a different course.

Q. Couldn't you have made up your mind before, without punishment? A. I think so.

Q. If you had made up your mind without punishment, could you not have got out in a year, as others did? A. No, sir; I don't think they would released me on parole, because I had been convicted of a felony before; it was read out up in the chapel.

Q. You could have got in the first grade in six months? A. If I had done my work and got a perfect record I could.

Q. You could have a perfect record, if you had made up your mind? A. I suppose I could.

Q. Well why didn't you? A. That question I cannot tell.

By Mr. KELLEY:

Q. Was it the punishment that caused you to think it over, and

make up your mind to do different? A. In part; I have got a few friends in the world outside; my brother was up to see me Monday; he didn't see that Sunday paper; he come up from Buffalo; he's younger than I am; he stopped in to see me; hadn't seen him for seven years; I wanted particularly to get in the second grade, to hear from my wife and people; because if I went out of here in the third grade, I would be like a lone orphan in the woods; I wouldn't know where to find my friends; I seen I could do my work; that was number one toward it; number two was I didn't want any more of the solitary.

Q. What do you know about the Sunday paper? A. The Elmira paper.

Q. Do you get papers here to read? No, sir.

Q. How do you know about it? A. I have heard it talked by a few prisoners; they got the news some way.

By Mr. FARRAR:

Q. Did you know you were to be examined to-day? A. I heard something about it.

*Louis O. Dee, sworn:*

By the CHAIRMAN:

Q. Are you aware of the nature of this investigation to-day? A. No, sir.

Q. You don't know this is a committee of the assembly? A. Only what I have heard; I presume it is.

Q. How long have you been here? A. Four and a half years.

Q. For what offense were you sent here? A. Petit larceny, second offense.

Q. How old are you? A. Twenty-two now.

Q. Where were you sent from? A. Buffalo.

Q. I want to ask you particularly now about any punishments that have been inflicted upon you, since you have been an inmate of this institution; have you been punished? A. Twice.

Q. For what? A. Once in reference to work, and I was taken in the solitary, and I was in two hours, and I went to work, and I done my work then afterward, and another time I asked a young man in the shoeshop to give me a pair of shoes, and I put them away for tobacco, and I was caught in the act, and put in there and kept four days.

Q. Were those the only punishments you have suffered here? A. Yes, sir.

Q. Never been paddled? No, sir.

Q. Ever been whipped any way? A. Only one night, that was my own fault, I gave a few sassy words to an officer in school; Mr. Beach come down stairs and kicked me twice.

Q. You never had your pants taken down? A. No, sir.

Q. Have you seen any paddling inflicted on the prisoners? A. I haven't seen any, but I have heard of them.

Q. What work have you been employed at? A. First at plumbing, and about two and a half years in the brush shop, and the last ten months in the foundry, and I am there now; I can do my work very well; I have been pretty sick lately, for the last two months.

Q. Have you called upon the doctor? A. No, sir; never go in to see him.

Q. You could go in and see him if you wished? A. Yes, sir.

Q. Have you had sufficient food? A. Sometimes and sometimes I don't; some days I get in a hurry putting up my work, and in the morning I feel pretty hungry.

Q. Has your health suffered in consequence of the kind of work you have been employed at? A. No, sir; it seems to take effect on me now; I don't hardly think it is my labor, for I work as hard outside as I do in here.

Q. What is the effect of that marking system, with reference to your progress in your studies, and getting allowance of short time?

A. I don't know; in my study I am all right, and in my labor, but I have been marked for two or three foolish offenses in the brush shop by a prisoner overseer, and he is the cause of my being kept back, some months, I had a good record previous to that, and he marked me two months when he got the stand, and I was kept back for that; I met him one morning in the shop, and I got him by the throat, and I punched him in the face, and I got degraded to the third grade, from the first to the third grade, and I had been in the third grade twice before that, for offenses.

Q. From your experience and observation among the prisoners, do you think that the present system of marking and grading prisoners is calculated to encourage them to reform, and do good work, and be obedient to the discipline of the prison; how do prisoners feel about that? A. A good many of them feel bad, several of them working around me; they have good marks for ten months, and then they will get marked for some little offense they never thought of getting marked for, and that discourages them; several men had a good record; they will get to fighting, and get in the third grade, and that will keep them the whole time.

Q. Is there any complaint that they are unable, by proper and reasonable effort, to come up to the standard required of them? A. I have only heard of one, and I think he could; that is McCleese that works close to me, he has quite light work in the foundry; he told me to ask the gentlemen in here to send him in.

Q. Do you say you think he could do his work? A. Yes, sir; He has a task of twenty-five flasks, and by eleven o'clock he could have them up; he goes writing around; he has been writing to the committee lately; and he could put them up easy if he was a mind to.

Q. You have been laboring in the same shop with McCleese? A. I have worked right next to him for the last two weeks.

Q. Did McCleese tell you he wrote that letter? A. He told me that Mr. Thomas told him that the letter he wrote was published in the New York Sun, and he was called upon the court room floor by the superintendent, and asked if he wrote it; he is continually fooling around about the committee, and he put two or three men up to tell what they knew.

Q. Did he say he wrote it? A. Yes, sir.

Q. As to the general discipline and order of the prison, have you seen evidences of its being harsh or severe? A. I don't know; there is two or three little boys in the foundry; they are not able to do their work, and they receive a good deal of punishment of late, for not coming up to their task; there is one boy Lyons, he was in the solitary for about a month before you came here, and he was taken out; I don't know where he is; he is not able to do his work; he is too small.

Q. From your observation, what is your opinion as to the temper and disposition of the keepers and officers of the Reformatory generally? A. I don't know; there is one man in the shop, you may think it is in spite, that is Mr. Meadows, he used me very cruel; when I first come in the foundry he marked me for an offense; I had two nines, and he put twelve or fourteen offenses against me one month, that I never thought of being marked for any thing; he is continually marking me for nothing; one-half of the shop is allowed to converse together with the man next to him, and I am not allowed to talk to the man next to me, and if I am caught talking, I am marked.

Q. You think there is partiality shown? A. Yes, sir.

Q. Some are allowed privileges not allowed to others? A. Yes, sir.

Q. Have you see any evidences of undue harshness and bad temper with Mr. Beach? A. I have seen him two or three times club young men with a cane, and cut his head open; I don't know what it was for; cut his head open; that was in the brush shop and in the yard.

Q. For ought you know the prisoner might have been guilty of insubordination? A. He might have been; he kicked me coming down stairs; I was up in school, and I had no school book, and I was in the third grade, and I loaned Tom Robinson my United States history to read; third grade men hasn't any.

Q. You spoke of that? A. Yes, sir; when he kicked me down stairs.

Q. You said you thought you were to blame? A. The officers asked me to stop laughing; I told them any how I wasn't laughing; and he told me to tend to my books; and I told him I had none; and he called Mr. Beach, and he asked me why I don't attend to my business; and I told him that was all right, and he kicked me down stairs.

Q. When men are first put in the shop to work, are they put under instructions? A. Yes, sir; we have very good instructions.

Q. At first they are not required to perform full tasks? A. They are put on with a helper; but when they get a floor of their own for the first week, I think they have to do half their requirement, and the next three-fourths, and the next week the whole I think.

Q. The prisoners who are newly sent to the shops are carefully and properly instructed by the foremen? A. I think they are; there is good men doing it.

Q. These foremen, are they prisoners in all cases, or citizens? A. The instructors are citizens.

Q. You have had no reason and seen no reason to complain of the instructors? A. No, sir.

Q. They are the agents of the contractors? A. Yes, sir.

Q. Have they any authorities in the prison, or any duties except to show you how to do the work? A. I believe not; only to report me when they see any thing very wrong go on.

Q. You have no knowledge of their having interfered with the discipline of the prison? A. No, sir.

Q. Have you ever had any cause of complaint against Mr. Brockway, the superintendent? A. No, sir; I have always been very kindly used by the superintendent.

Q. Do you feel just as free to speak your whole mind upon this matter to the committee in the presence of Mr. Brockway that you would if he were absent? A. Fully so.

Q. What is the general feeling among the prisoners as to Mr. Brockway's management and treatment of them? A. I hear a good many complain and curse about it, and a good many are all right.

Q. As to the food what do you say? A. I don't think much of it; it is done up in so dirty a way it isn't fit to eat after you get it.

Q. The meat, how is it? A. It is pretty salty, and looks black and mean as if it had been laying around for years; you can't eat it; the meat and potatoes are done up with the skin all on the potatoes.

Q. How is the diet? A. When I first come it was very good, but now it has got very bad; it is terrible bad now.

Q. How long have you been here? A. Four and a half years.

Q. You think the food isn't as good as when you come? A. No, sir.

Q. How long is it since you thought or discovered that the food wasn't as good as it used to be? A. I never had a very good relish for eating before I went in the foundry, but since I went in the foundry I eat a good meal, and I notice it since I went in there.

Q. I understand your health hasn't been good of late? A. No, sir.

Q. Your appetite generally is—? A. Very good; I eat a great deal for a man of my size, but I don't think I eat as much as I did usually outside at the same kind of work.

By Mr. FARRAR :

Q. Who is the judge of the work you do—who passes on it and makes the report, whether the work is good or ill-done? A. When the instructor comes around he examines the work every night, and sounds your work; if it goes in the cleaning room all right, it goes through a man's hands; I don't know his name; he is one of the contractors.

Q. The work is passed upon by the agents of the contractors? A. Yes, sir.

By Mr. BROCKWAY :

Q. Tell the gentlemen why you are here so long? A. I escaped the first year I had been here; I escaped; I had been here one year; then I was brought back and told by the superintendent and board of managers I should receive my release at the end of three years and seven months with a perfect record; I got into the second grade, and then into the first; finally I got a good record for six months, and then this man Jackson he marked me three months before my three years and seven months was out, and they degraded me, and I fought some, and got put into the third grade.

Q. You came before the board of managers about your release just before you assaulted Jackson? A. Yes, sir.

Q. Do you remember what you were told if you kept a perfect marking? A. You wrote me a note; you wrote me my record wasn't good enough; that I had to get more nines; and I couldn't get them under that man.

Q. In relation to that, have you not ever had any reports and had those marks against you excused by me? A. Yes, sir.

Q. Did you ever go to court? A. Yes, sir; I come to court about two weeks before I assaulted Jackson for marking back; you said if I received nine for the month of April you would give me the marks back; and in the month of April I received the marks, and the latter part of May I assaulted Jackson; I haven't had a conduct-book in six months, and I am getting along all right in my work and studies; but I feel kind of sore to stand all day like a mummy, and so I talk some; my time is out the first of October.

Q. Is that the cause of your indifference now, that you don't care? A. I do care; if I didn't I wouldn't do my work.

*Edward D. McClees* sworn and examined :

By the CHAIRMAN :

Q. How old are you? A. I will be thirty-five the 16th of next August.

Q. How long have you been in the Reformatory? A. Ten months.

Q. Sent here for what offense? A. Forgery.

Q. What has been your employment here? A. I was first put in the office; I was there two months and afterward put out in the foundry.



Q. You are there now? A. Yes, sir.

Q. Why were you changed? A. They said I was crooked in the office.

Q. What were your duties in the office? A. To take care of part of the books; those that came in; to write down their age and what Mr. Brockway took about them.

By Mr McDONOUGH:

Q. Their pedigree? A. Yes, sir.

Mr. KEYES resumed:

Q. Have you ever been punished? A. No, sir.

Q. Ever been hung up by the hands in a cell? A. No, sir.

Q. Or put in a dark cell? A. No, sir.

Q. Ever been degraded in rank? A. No, sir; I have been in the second grade, I am there, I was sure for the first grade, I got my nines till I was put on a task in the foundry, and now I find it impossible to get a nine, I cannot do it, I cannot do my task, and I am told I will be degraded and strung up and paddled and every thing else.

Q. Why? A. Because they think I can do my task.

Q. Are you well? A. Well except a sort of weakness; I am well otherwise.

Q. Have a good appetite? A. No, sir; I don't eat much, not as much as I ought to eat.

Q. Sleep well? A. Yes, sir. At times I wake up in the middle of the night, I suppose its more worriment than any thing else.

Q. Have you had any occasion to complain of the treatment of the keepers or officers in the prison toward you? A. Not particularly, no, sir.

Q. Never punished you? A. No, sir.

Q. Never degraded you in rank? A. No, sir; only with threatenings.

Q. Who threatened you? A. Mr. Brockway threatened me yesterday.

Q. He had conversation with you in regard to your work? A. Yes, sir. I was sick, day before yesterday it was, Wednesday, this is Friday, Wednesday I laid in.

Q. Have you performed your tasks as fully and faithfully for the last three months as you did formerly? A. Yes, sir; every day I work as hard as it is possible for me to work.

Q. Are there not other men no stronger than you, performing their tasks fully? A. No, sir; not a man in the foundry; ask me again.

Q. Are there not men no stronger than you completing their tasks fully? A. Well, there is one man in the foundry about my size; that is a young man; but he has been brought up entirely

different from me, on a canal boat, and he is doing his task ; that's the only man I know of.

Q. How is your work compared with other work requiring physical strength? A. Well, the tasks in the foundry are about the same, very nearly ; there is a little difference ; if the work is light, the task is more.

Q. Have you not a degree of strength equal to the average strength of the working men in the foundry? A. I think it is my age has something to do with it ; I have been in rolling mills ; I was a partner with my father for a time in a rolling mill for thirteen years, manufacturing galvanized black sheet iron ; we puddled and rolled out bar iron ; this work is harder than puddling.

Q. Is your work any harder than that required of other men of average strength and physical ability? A. No, sir.

Q. How is it as to the amount of work ; are you required to do any more than others? A. No, sir.

Q. Are you satisfied with the food provided for you, as to quantity and quality? A. For a long time I couldn't eat any breakfast ; I couldn't eat the hash we had here ; every other night unless we can either take bread out or hide bread in our cells, we go without supper.

Q. Is the food sufficient in quantity? A. Enough of it, such as it is.

Q. Is it generally wholesome? A. Yes, sir ; I think it is wholesome.

Q. What was your occupation before you came here? A. In business with my father, in the office at the mill ; I was at the mill for a while in Easton, Pennsylvania, at clerical work.

Q. Ever perform manual labor before you came here? A. No, sir.

Q. Have you any complaint to make of the operation of the marking system? A. The marking?

Q. Yes, and degrading system? A. It is certainly very severe ; you can't talk to a man in my section of the foundry ; I cannot talk to men on either side of me.

Q. That is a rule? A. Yes, sir, in our section ; and in other sections they can talk.

Q. Do the prisoners generally, and yourself in particular, feel that it is difficult—exceedingly difficult—for you to come up to the standard required of you as to the kind and amount of labor? A. Yes, sir ; I think they do.

Q. Is there a continual apprehension lest they will fall below? A. It is so with me.

Q. Do you find that feeling to prevail? A. I think so.

Q. That the standard is too high? A. It seems to be so.

Q. Is that the case after they have been here some months, or only the first few months? A. It seems almost impossible for some to make a nine.



Q. Some at first feel anxious and apprehensive lest they fail to come up to the standard, and are discouraged by it? A. Yes, sir.

Q. After they have been here some months do they acquire greater confidence in themselves and feel they are able to do their work? A. Not always.

Q. There is a difference in men about that? A. Yes, sir.

Q. Take a man of average physical and mental capacity, can he in the course of a few month's time master the work required of him so as to perform it with facility? A. Yes; there is some that can do most any work in the foundry; others it isn't work that's keeping them at all, it is marking for talking or some other offense—school.

Q. Can you suggest any system of marking or grading that should be absolutely uniform in its operation, that would not work unjustly in some cases? A. I think every man ought to be allowed to talk to some man, ought to have intercourse with some one man during the day or night or some time. It is almost impossible to keep that rule, almost impossible for me to not talk at all; in my case I do find fault with the task, I cannot do it, gentlemen, I cannot do the work in the foundry, I cannot do it and I have been threatened with the paddle right away too.

Q. You claim you haven't the physical strength to do it? A. I do claim so; I went out to-day to do it or die, and I failed to quite get up to my task, I have got to get a great many over my task, you see you have got to save your task.

Q. Have there been any periods during your stay that you did perform your task fully? A. No, sir; I have put up the task three or four days, but haven't been able to save it; my task is fifty, and I have got to put up sixty or over in order to make up the deficiency, I cannot carry the iron, I cannot carry it.

Q. You have to do ten more to make up for what? do you lose ten out of the fifty? A. Yes, sir; on account of imperfect work and bad pouring.

Q. Have you seen no instance of physical violence on the part of the keepers toward prisoners? A. Only one case.

Q. What case? A. Case of a man when I was in the office; he took some bread, he wanted more bread, whether he was refused or not I don't know, that man can tell it himself; Mr. Beach caught hold of him and beat him all the way down to the solitary with his cane.

Q. Who was the man? A. Smith, I don't know his first name, he is in the foundry.

Q. Do you wish to make any statements to this committee with reference to the general character of Mr. Beach's treatment of the prisoners, as to showing whether it is unduly severe or otherwise? A. No, sir.

Q. Do you feel at all embarrassed in making any statement on account of the presence of Mr. Brockway? A. I could not make any statement exactly, I only feel this way, I just as leave Mr. Brockway would hear it as anybody, the way he talked to me yesterday almost worried me to death.

MR. BROCKWAY—I intended to worry you, it is time you were worried.

WITNESS: I have worked in the foundry till I almost dropped, almost killed me; there is men that know that I can't do the work; I will tell you what I am afraid of, I am afraid of to-morrow or the day after to-morrow, after you are gone.

Q. Why? A. I am afraid of Mr. Brockway.

Q. What will he do? A. What he said he would.

Q. Do you think he will paddle you? A. Paddle me and string me up and every thing else.

Q. Do you think he will treat you any more severely for any thing you shall tell before this committee? A. I should hope not.

Q. For any thing that may come from you with reference to the management of the institution? A. I hope not, but he was very severe on me yesterday.

By Mr. McDONOUGH:

Q. What do you refer to in his conversation? A. I said "Mr. Brockway, I am willing to go to Auburn;" because I am afraid of him, and he said "I will put that down in the book against you right away;" whether he did it I don't know, at any rate he opened the book.

Q. You understand that institution is administered under certain rules made by the board of managers? A. Yes, sir.

Q. That Brockway is to carry out the rules established? A. Yes, sir.

Q. Do you apprehend Mr. Brockway will be governed by any other construction than the enforcement of the rules of discipline here laid down? A. In doing this he would think he was governed by the rules you know, of course.

Q. Has Mr. Brockway ever evinced any undue severity toward you, or temper? A. Not till yesterday.

Q. Has Mr. Beach? A. Not till yesterday; Beach didn't say much, only he intimated it ought to be done at once; he suggested to Mr. Brockway to do it right away now.

Q. Has Mr. Beach heretofore been kindly in his temper and manner toward you? A. Till about a week ago.

Q. Evinced a kind and humane disposition generally? A. Yes, till I spoke to some of the gentlemen, and Mr. Brockway till within a day or two.

Q. Evinced a kindly and humane disposition toward you and the prisoners generally, so far as you know? A. Yes, sir.

Q. You say that frankly and freely? A. He has treated me with respect till these threats, he has insisted I go on with my work in the foundry.

Q. Have you discovered during the last week any difference in Mr. Brockway or Mr. Beach in their treatment of you, any thing different from what they exhibited before? A. Yes, sir; decidedly in Mr. Beach.

Q. Not before? A. No, sir.

Q. Had complaint been made to them, do you know, as to your work, or failure to perform your task day before yesterday or yesterday? A. I presume it had.

Q. You were aware your work hadn't been done fully according to the rules? A. I haven't received my marks for that, I have my book here, I came down, — I didn't sleep any the night before, my cell was changed and I got into a dirty cell, the man that previously occupied it was one that was sent to the third grade, it was full of bed-bugs and dirt and I couldn't sleep that night, I was so tired and worn out that I stayed in and he sent for me to come down on the guard-room floor, and he said "now McClees, I am going to make you do that work," he said "if I sent you to Auburn you would do that work in three days and I will make you do it here, I will play a little Auburn on you here, and I'll commence right away too."

Q. Don't you think your loss of marks in your work arises from inattention to your work and a desire for conversation and looking around? A. No, sir; and if you saw me work you wouldn't think so.

Q. Have you not been treated here with more leniency than any other man in the foundry, in your opinion, more consideration? A. I haven't been put on task, I have been kept as a helper longer than the general run of them; in that way I have.

Q. Have you not spent a good deal of your time nights in your cell writing? A. No, sir.

Q. Do you have paper and pencil for writing? A. I read and study.

Q. Do prisoners have a pencil and paper and liberty to write? A. Yes, sir.

Q. They do spend their time in that way? A. Not that I know of; we have no intercourse with one another, the only way I found out is being the helper among the men, and two months in the office, and around among the men.

Q. You speak of loss of sleep; whether that loss of sleep may not have been caused by becoming interested in writing, and writing letters or other composition? A. No, sir; I haven't written any at all.

Q. None at all? A. No, sir.

Q. Within the last three months have you not written more or less in your cell? A. I write a letter every month; sometimes I write a little line or two and put it in a little box I have got.

Q. Don't you write an account of your observation and experience here in the prison sometimes; keep a record of matters going on? A. No, sir.

Q. Did you see the committee here last Saturday? A. Yes, sir.

Q. Have any conversation with them? A. Yes, sir.

Q. How many visitors did you converse with last Saturday? A. Two I believe.

Q. Didn't you hand to one of the gentlemen that conversed with you last Saturday, a written document or paper of some kind? A. Yes, sir.

Q. What was the nature of the paper; what was the contents or substance of it; what was it written about? A. About the Reformatory.

Q. Giving your views about the management of the institution? A. Yes, sir.

Q. You have written other things of a similar character? A. No, sir.

Q. Well, have you not written other papers of a similar kind, giving your impression and views as to the management of the institution? A. I have written——yes.

Q. When was the paper you delivered to the visitor last Saturday written? A. The night before they came.

Q. You knew they were coming? A. Yes, sir.

Q. A committee of the assembly? A. Yes, sir.

Q. You wrote it with a view of bringing to their attention the condition of affairs in this institution? A. Yes, sir; I did it more for myself than any thing else.

Q. How came you to hand it to the visitor? A. He told me he was from Brooklyn and I thought likely he could give it to my father; I want my father to come up and save my life.

Q. Did you intend it for publication? A. No, sir.

Q. Has it been? A. I was told the other day there was something like it published; I didn't know.

By Mr. FARRAR:

Q. What do you mean by coming to save your life? A. I mean to say that I have been driven to such a state here that I would rather die than have it continue; I can't stand it much longer; the solitary confinement of a little cell, and the monotony of going out and marching in silence to work all day and back again to your dinner; and eating your meals in the cell, and out again and back; the same thing day after day, and no prospects of getting out; I tell you I can't stand it; I can't do it, gentlemen, I'd rather die; I would indeed rather die; I rather go anywheres, and I have been trying to do my duty here till I have been so worked up, I am hardly responsible for what I have done.

Q. Will you look at that article in the Sun and see if that is what you wrote? A. That is the letter I wrote.

Q. You judge that to be a copy of the letter you wrote? A. Yes, sir; I indorsed a check of my father's for twenty dollars and I thought this was a military school; I tell you I can't stand it.

Q. You became addicted to intemperate habits before you entered the Reformatory? A. Yes, sir; I wasn't forced here; I agreed to come.

Q. Your habits had been irregular and intemperate for a number of years before you were sent here? A. Oh, yes; yes, my habits were bad; I admit that; I have gone a long time without drinking, and I was under the influence of liquor when I agreed to come here.

Q. You were led to commit the offense while under the influence of liquor? A. Yes, sir; I asked the man that ought to have handed me out the money at once; I asked him for ten dollars; he said: "give me a check, you can have all the money you want."

By Mr. FARRAR:

Q. You complain of the restraint of the prison life; that is the substance of your complaint? A. Yes, sir.

Q. The confinement here and the fact you are not allowed to talk, and the daily routine of duties? A. Yes, sir.

Q. That is the substance of your complaint? A. Yes, sir; with no prospects of getting out.

Q. Don't complain of ill treatment? A. No, sir.

Q. In any way? A. No, sir.

By Mr. McDONOUGH:

Q. What made you think it was a sort of military school? A. That was the general impression in New York; I was told so.

Q. Did you represent you were not thirty, because you were anxious to come here? A. No, sir; I had been arrested and father asked me to give my age at twenty-eight so as to come here; he said there was no doubt about my getting out in a year.

By Mr. FARRAR:

Q. You forged your father's name? A. Yes, sir.

Q. Your father is living? A. Yes, sir.

Q. Was present at your trial? A. I confessed it.

Q. Your father knew the fact and allowed you to come here? A. Yes, sir.

By Mr. BROOKWAY:

Q. Do you know of the correspondence I had with your father, or did they have any with you? A. No, sir.

Q. You didn't know of the correspondence I had with them? A. No, sir.

By Mr. KEYES:

Q. Have you any thing further to tell the committee as to your condition or the management of the institution? A. No, sir; only if I could get any protection from the committee I would like to have it till my father comes up.

Q. You understand that the committee have no power to interfere in that matter directly.

By Mr. KELLEY:

Q. Do you consider that letter a statement you would wish to

make before this committee? A. I would not like to swear to every thing there is in that, exactly.

Q. Do you repudiate its contents altogether; and as to the truth of the statements contained in the letter published in the SUN; are you willing to swear absolutely as to the truth of the statements made therein, or are there statements made you will not swear to?

A. I will not swear to every thing said there now, although I think it is all true; I wrote it in a hurry.

Q. Many statements are made upon hearsay? A. Some are.

By Mr. KELLEY:

Q. You say if you could only look forward to a release in any reasonable time the place itself is all right? A. I had no idea it ever would be printed, or I never would have written it.

Mr. BROCKWAY here read a letter from the mother of McClees, as follows:

YONKERS, *July 25, 1881.*

Z. R. BROCKWAY, Esq., Elmira, N. Y.:

DEAR SIR. ——— My husband received your letter of the 23d inst. this morning, we are deeply pained that Edward, our son, should have violated the trust reposed in him, and yet it should not occasion surprise that after so many years of vicious living, having every nerve and tissue of his organization deteriorated by alcohol, he should not at once yield to the judicious discipline and have all the faculties of mind and body restored to healthy action. Both Mr. McClees and myself, and his sisters, feel very grateful that Edward is placed in an institution which seeks to reform and make good citizens out of offenders against law and order; we wish to assure you of our entire confidence in your judgment of his case, of physical and mental condition and the needs growing out of it. When I heard that office duties had been assigned to him I confess to disappointment that it was not manual labor, because for many years it had been my conviction that such exercise properly regulated might prove more efficacious than brain effort. My preference, however, would have been for agricultural labor.

We trust you will obtain his consent for any line of work which seems to you best adapted to his present capacity and needs, and rest assured of our earnest co-operation in any wise method looking to his restoration to sobriety and correct living. Let us not forget in all our endeavors that the humanitarian idea in itself is insufficient to cure the disorders produced by sin, and so let us lead the minds of the wanderers from the father to Jesus the Saviour, through whose merits they may obtain the renewal of their natures and be transformed in the spirits of their minds. I believe that in our complex being of the human and the divine there lie infinite possibilities to be developed, on one side by the skill of science and on the other by agencies miraculous and divine. May the God of all grace and



wisdom aid you, dear sir, in the fulfilment of your arduous and responsible duties.

Believe me, yours, truly,

S. A. McCLEES.

Please remember me affectionately to Eddie.

*Mr. Brockway* recalled :

By Mr. LIVINGSTON :

Q. Is the Edward referred to in that letter, the same one referred to as William in your letter? A. Yes, sir.

Q. What is his true name? A. Edward McClees.

By Mr. FARRAR :

Q. Were you ever told of this correspondence or ever shown the letter before? A. No, sir; he told me he wouldn't give me a task when he put me in there.

Mr. BROCKWAY — I did not till you were able to do it.

*Mr. Brockway* recalled :

By the CHAIRMAN :

Q. You have heard the testimony of the witnesses to-day? A. Yes, sir.

Q. I call your attention first to the testimony given by Charles Junius; can you, from your own recollection of the testimony of Junius, go on and state what you wish to say with reference to his statements? A. I haven't such a recollection as brings to my mind any point on which I should explain. Junius said he had seen a man hung up by the wrists three or four hours and saw a leather strap but don't know as it was used.

Q. You heard the testimony of Junius with reference to the case of the boy Hughes? A. Yes, sir.

Q. What do you say as to that? A. Nothing to say in relation to it; I think it is correct.

Q. As to Reddington? A. I believe that to be correct.

Q. The case of Wallace Bell wasn't mentioned Saturday? A. No, sir.

Q. And Folger; what do you say as to the testimony on those points? A. I don't recollect what his testimony was.

Q. That they attempted to hang themselves, and were cut down? A. Soon after the suicide of Hughes, there were various feints as they say in military, with a view of creating sympathy, or some little object they had in view; I don't think either of those cases was genuine; we were quite troubled about it for quite a while, and kept our watchman on guard for some time; what Junius says about their making arrangements to be protected, I think is true; I think they were shamming; at fourteen years of age, I attempted to commit suicide, because my father shook me up before a gentleman in the store, and I should have committed suicide if not cared for.

Q. Were those men punished? A. I finally stopped the whole by a general notice that any man who committed suicide would be put in the third grade.

Q. You have an affidavit there from Dr. Wey, covering that McGuire case? A. I never heard any complaint from McGuire. in relation to his work or any thing else; I have no doubt, his decease at that moment was not anticipated by himself at all, like one dropping dead from disease of the heart.

Q. Was there a disposition among the convicts to feign suicide? A. After it had been suggested by one or two suicides.

Q. As to Alvah Tibbetts? A. The medical testimony was included in that affidavit of Dr. Wey; he swears and swore at the trial of Simmons, that Tibbetts, when he came to him for medical treatment, made no mention of any injury to his chest, and only had a flesh wound that needed no treatment; Mr. Beach will testify clearly in relation to that whole transaction, contradicting the statement of Tibbetts after he knocked him through the first grade line; Tibbetts had, as he states, been some time in the solitary; he was very troublesome and obstinate.

Q. He said twenty-three blows? A. I never struck a man any thing like that in my life; I went down strolling through the corridors of number four, and about half-past ten o'clock I saw Tibbetts at the door, and remonstrated with him for obstinacy; I found that didn't work at all; I said "now Tibbetts, I am not going to let you stand here any longer, I will give you from now till one o'clock after dinner to change your mind, if you don't I will come again," and he said very prompt and quick "if I were you, I wouldn't wait till one o'clock, now is the accepted time," and I went for Mr. McKelvey and the strap, and sent him out to the shop in five minutes to work.

Q. How many times did you strike him? A. I couldn't swear, but I swear positively I didn't strike him any thing like twenty times; my judgment is about ten.

Q. Did you put forth your whole strenght? A. I struck him a number of sharp blows.

Q. Describe the paddle? A. It was a strap, a piece of sole leather probably two and a half inches wide and the handle, as Junius states, was sewn, is my recollection of it.

Q. He swears it was riveted? A. Junius says sewn; I swear positively there was no rivets at all; Tibbett's statements of that is an entire fabrication, and the statement of Dunn as to the thickness, is absurd; it was less than half an inch at the thickest part, where it joined on to the sole leather handle; you could not inflict any serious injury with it, and I did not.

Q. Were there rivets in the handle? A. I think not; it was either sewn or two or three rivets in the handle to hold the two pieces together; my impression is sewn, as Junius says, there was no rivets in it.

Q. Is it in your possession yet? A. No, sir; it hasn't been here in a year or two.



Q. Do you know what has become of it? A. No, sir; probably it was burnt up in a lot of rubbish in the octagon; it was made by somebody in anticipation — I used that paddle first on some transfers from Sing Sing in 1876; not used again till it come up in the later days, then it was lost altogether.

Q. Has it ever been replaced? A. We have what they speak of to-day, which I will show you.

Q. Tell Mr. Beach when he comes in to bring in that paddle? A. A paddle proper is a white oak piece with holes in it; I never saw one.

Q. Were there any holes in this paddle? A. No, sir; no holes or rivets.

By Mr. LIVINGSTON :

Q. Is the paddle you sent for that piece of rubber hose? A. No, sir; the rubber hose I know about, a little piece laid on the sink, used to lengthen out the hose for sprinkling; I remember it, about fifteen inches long and about a three-fourths hose pipe.

Q. Flexible? A. Yes, sir.

Q. Did you observe the effect of the paddle upon Tibbetts? A. Yes, sir.

Q. As to raising ridges? A. There was space enough between the blows to observe it, and give him an opportunity to surrender if he would; the use of a piece of sole leather upon the posterior in that way sometimes raises blisters; I never saw one raised at the time; it produces a reddening and sometimes a slight discoloration.

Q. Tibbetts states that one of his limbs was badly swollen for several weeks? A. I don't think they could have been so.

Q. And blood run down? A. I don't recollect about that; possibly some little abrasion was made.

Q. What has been the general character and conduct of Tibbetts since he became an inmate of the institution? A. He has been one of the most troublesome men we have; meanest men; a constitutional objection to work, and a constitutional objection to being interfered with in any way at all; that was shown by his testimony; he is revengeful and dangerous, a morose, sour, dangerous fellow; twenty-six years old he swore on the Simmons trial, and lived a tramp.

Q. What do you say as to what he said about his marks? A. I omitted to examine Tibbetts to show that he is detained here so long for an attempt to escape; we can show it by Mr. Beach; I do not recollect Tibbetts' statement about loss of marks; he was always deficient in labor.

Q. How about the hemorrhages? A. That is from a medical standpoint; the doctor testifies and did in the Simmons trial, he has not had one for a long time; some time last spring.

Q. He says they commenced at the time he was knocked down by Mr. Beach? A. They did not; I want to say in relation to the

transfer of Reddington and Tibbetts after the trial of Simmons, they were both of them unwell and were not required to labor, and were locked in the south block after the Simmons trial; the influx of prisoners made it necessary to use the room they occupied, and the rooms in number four were much larger and much better, and we had treated some severe cases of syphilis there instead of the hospital; they were both sent over there; not sent for punishment, and were supplied with what is called officers' rations, till their health improved; then having employment in there, and both being unsafe to take out, we set them to work as stated here, with no task, but instructions to do what they could.

Q. Were you governed in any degree or any manner in your treatment of Tibbetts or Reddington, or any other prisoner, by the fact of their having given testimony, or of their testimony on the Simmons trial? A. Not in this case or any other; and if I know myself I am too old and experienced and utterly incapable of being influenced by any such consideration.

Q. Are you aware of any officer of the institution that was governed by any consideration of that kind, or any other kind? A. No, sir; not at all; the freedom with which the men have spoken before me to-day I think would satisfy the committee of that.

Q. Have you given instruction to your subordinates in this institution—keepers and others under you—as to the style of conduct and bearing that they are to maintain toward prisoners? A. Yes, sir; every man that comes here I have a session with, and read over to him and explain to him his true relations to the inmates, from the rules adopted.

Q. Do you enforce upon them in strong terms the absolute necessity of maintaining a spirit free from harshness, and a spirit of fairness and justice and impartiality toward prisoners? A. I do, and state to them in distinct language that no assistant shall kick, strike, push or harshly treat any inmate; should any such matter occur as you have heard of I always reprove them.

Q. Have you had occasion during your administration to correct any misconduct of that kind on the part of keepers? A. Yes, sir; but nothing serious demanded it, but I correct every thing of that kind; if an officer puts his hand on a prisoner unnecessarily, I talk to him about it; I have not had occasion to discharge anybody for this, nor to fill their places for that reason; it is difficult to get competent men under the system of government and small pay; we have now an excellent corps.

Q. How long has Mr. Beach been connected with the institution? A. I think he came in 1877 as a guard.

Q. Have you ever had occasion to suggest to Mr. Beach any thing in reference to his treatment of prisoners? A. Yes, sir.

Q. To correct any errors? A. Yes, sir; Mr. Beach is an excellent officer; he is twenty-four years old and full of life and feeling; though not revengeful at all; in the exuberance of his animal nature he has overstepped the grounds once, for which he has been

reproved by me, and once I think brought before the board of managers, although he has not effected any injury, and the managers administered a reproof at that time.

Q. Has he used his cane upon prisoners? A. They are apt to do that, not in a brutal way, and having in their hand a stick of that kind and being opposed, it is almost involuntarily used. Mr. Beach has used his cane when assailed, and used it vigorously. The witness Welch drew a knife upon him, and it is perfectly justifiable, as I hold, in such a case, it is understood to be necessary in such cases for an officer to protect himself at all hazards.

Q. In your judgment is corporeal punishment necessary as part of the discipline of this Reformatory? A. Let me answer that a little freely, I never have for years—have never inflicted corporeal punishment without a feeling of humiliation that I was unable to mould the mind of a man without punishing his body. There are some cases probably in about the portion of the men that have been punished here, and some more which would be greatly benefited by the application of corporeal punishment, and we refrain from it because on the other hand there is a reaction; if it comes to be known through the establishment the effect is bad to the officer who inflicts it, and those who witness it apt to be brutalized and injured by it. It is very difficult to take a weapon in your hand and strike a blow without a little feeling in it, and that feeling is bad. I only resort to it in extreme cases; yesterday afternoon we came near having a case. The contractor has need of a 14-inch girdle, there is only one man that can make them, and he gave him that work to do and he wouldn't do it, and in the afternoon he was locked up; I went up in the afternoon intending to do whatever was necessary to make him do that work, and after five minutes conversation with him, which results in 99 cases in a 100, he said "I will go out and do the best I can." If he had refused and maintained, what must I do; I must do something, he must go to work if he is sane and well.

Q. Will he be punished in consequence of what he did? A. No, sir; sometimes we mark them, they lose a mark for refusing, and this is generally understood in relation to the marks, that they will be canceled when the offense for which they are imposed is corrected, and afterward is changed from a three to a one.

Q. Do you think of any other matter except Tibbetts? A. I explained in regard to putting them in number four and keeping them there, while Tibbetts went in and occupied his hospital room without any force being required, Reddington we found armed with knives, and he only consented to go in when we had the hose of the hydrant and brought it in, and he said "I will hand out my knife."

Q. Tibbetts says he was nine days on bread and water and hung up, and it was cold, etc.? A. I never knew a time when steam wasn't turned on number four in winter. Indeed I don't know any way to turn it off. As to the statement of Tibbetts that he was nine days on bread and water, the rule is now and I think always has been, to give him a ration on Sunday—special ration. I wish to say to the committee, and impress it upon you, that any man standing up to the

cell door on bread and water can come down and have his full ration at any time he will yield; if the duration seems to be long it is the fault of the man himself. I would be justified when a man sets himself up against authority, to give him that alternative during the whole of his sentence, if necessary.

Q. During the period of the nine days, was it in the power of the prisoner to secure a change of position? A. Yes, sir; at any moment, night or day.

By Mr. McDONOUGH:

Q. He speaks of a period of twenty-one days also; have you any knowledge of a case of that kind? A. I don't know; I could ascertain, I think; I don't think any man has ever been kept there twenty-one days. The longest opposition was a man by the name of Tom. Wilson; he said it was twenty-one days before he went out; he was taken down to testify in the Simmons case, Mr. Hughes didn't put him on. That was the longest period, and I am sure Tibbetts or Dunn were not there that length of time.

Q. Do you make a personal inspection of all the cells every day? A. No, sir; I go about usually on Sunday latterly; till a few months ago I spent from five to eight hours every Sunday about the corridors at the cell doors; now I go into the hospitals and into the solitary prison, and over the third grade quite often; every Sabbath or two or three; I see from six to ten men a day; and then there is, in addition to that, a letter-box; I get from twenty to one hundred notes every morning, to me personally, no one has a key to it but myself, to which I reply till my late breakfast, about nine o'clock; I answer all those communications.

Q. If Mr. Beach or any other of the keepers should take a notion to shut a man up for twenty or thirty days would you be in condition to find it out? A. Yes, sir; I should know it directly; it would be shown on the sick book, which is made out by the hall keeper and copied by the clerks in the office, and must compare with the labor record in the shop; taking the labor record and sick book, must compass the whole population every day; there cannot be any thing done in a corner here.

Q. It shows Dunn was strung up and paddled, what do you say as to him? A. I spanked Dunn substantially as he states, except as to the abrasion; I don't remember about that; he may be pretty near right about it; he was not injured, indeed I never injured anybody punishing him; I think it utterly impossible that Dunn or any other man should have remained in a cell five days without food or water; I deny it, to the best of my knowledge and belief; I have no knowledge of any such thing; I think the occasion he refers to in his testimony on the Simmons trial was the same one.

Q. Is that the paddle with which Dunn was paddled? A. No, sir; it was something like this; I think that was destroyed.

By Mr. KELLY :

Q. I understood you to say there was no paddle in the institution except a rubber hose? A. No, sir; the other one that was here was destroyed; we never used that paddle but once, and that was on Murphy. [The paddle was here produced — being measured proves to be three inches wide, blade sixteen and one-fourth inches long, to the handle; extreme length of the handle about eleven inches, and three-sixteenths of an inch thick; one thickness; no holes in the paddle, and no rivets except in the handle; not rivets, but simply tacks by which the leather is attached to the wooden handle.]

Q. This was made about what date?

Mr. BEACH — About last September.

Q. Never been used but once? A. No, sir.

Q. Have you the other instrument that was used?

Mr. BEACH — I cannot find that piece of hose; never kept that for punishment; never used but once.

Q. That was in the case of the man Taylor? A. Yes, sir.

Q. This man said that was an inch and a quarter thick?

Mr. CLAPP — He meant may be the handle.

Q. Was punishment inflicted without your permission? A. No, sir.

Q. In the case of misconduct among the prisoners, might not a keeper inflict punishment without appealing to you? A. No, sir; without it was in self-defense; the principal keeper may bring him in and put him in his room, or his own room, and invite me immediately.

Q. Any thing further you wish to state as to the case of Dunn? A. The case is done.

Q. The next case is Albert Baum? A. I have nothing to say as to that, only his complaint as to inability to do his task; either from inability or indisposition to apply himself, we could not get his attention down to his work; under the old system of corporeal punishment, it would have been accomplished in a day; we give him time till his own will accomplished the result; he could do his work if he applied himself, and whether he would not or could not makes no difference; the treatment would be justified in either case.

Q. He says he was put in the solitary nine days without any bed? A. Did he say that; they have no bed days but have a bed nights; in a few instances of those hard men, they give them a blanket at night, and no bed till they get tired of it.

Q. Are they ever left to sleep on the naked flagging? A. I don't know of any such instance; it is possible at the date of the death of McKelvey that William Lyons might have been in, and been neglected for a night, left there all night in the excitement of the first day; done entirely contrary to the rule and practice.

Q. In the case of Rudolph I think there was nothing in the testimony? A. No, sir; that's all right.

Q. The next is the case of Taylor? A. Taylor is substantially correct; I swore that when he was handcuffed about that banister he could stand on his feet; he said that he thought he could just touch his tip-toes; he could stand on his feet if he stood up straight; from my recollection the shackles used now are fourteen pounds.

Q. In the instance of the assault upon the boy who molested him when bathing, what about that? A. I sent for him and brought him in and made inquiry of both parties; and decided it was one of those spasmodic occurrences, and we excused both, I believe.

Q. The next is a case of O'Dee, he speaks of Mr. Beach kicking him down stairs? A. Mr. Beach will know about that; I don't know; he never complained to me about it.

Q. What about keeper Meddaugh? A. He does the very best he can; I wish to say that when these weekly reports are brought in to me they are arranged in the order of the overseers, and knowing the temperament and character of my different overseers, in marking the men for the month I take it into consideration; in Mr. Meddaugh's department I have canceled more reports for talking than with the other overseers; he is rather more technical than prejudiced.

Q. What about a man taking shoes for tobacco? A. That was a larceny; if he had been in the first grade he would have been sent to the third.

Q. How could he utilize the shoes? A. Some of Mr. Thomas' employees are a little crooked, which is one of the evils of the contract system.

Q. Citizen employees? A. Yes, sir.

Q. Did you ever find any tobacco coming in before the contract system? A. Yes, sir; but very greatly increased since; these shoes were taken from the shoe-shop, secreted in school and passed to O'Dee.

Q. Do you think it is one of the citizens or teamsters? A. I don't think one of the first grade men ever done any such thing as carry off a pair of shoes.

Q. Is it teamsters or instructors that do that? A. I don't know; sometimes both.

Q. Can you trace it to any one? A. We have traced it so far as to suggest the men to be sent away.

Q. Have you been troubled with thefts of that kind? A. Not very much.

Q. Very infrequent? A. If you go about you will see a man with his lips stained with tobacco; we don't care for that, except that he got it in violation of the rule, how he got it; they will frequently leave it in their coat and hang it up, or whether it is the result of the sale of the property; when we had a brush business it was peculiarly adapted to that; they could be easily carried out; it existed under both.

Q. Wasn't it more so under the former system than to-day? A. I don't know; I don't see very much now any way.



Q. O'Dee testified the food had deteriorated since he came here?  
A. I say it has not; the others testified it has appreciated; it is good enough, and always has been; never was fed as well in any prison I have been in.

Q. McClees is the next and last witness? A. I would like to say with reference to him the letters read there show the spirit of his treatment; it was deliberate and for a purpose, and not vindictive.

Q. What is your judgment as to his ability to perform his task?  
A. No doubt of it at all; I told him yesterday if his request was granted and he was sent to Auburn, I told him on his third day he would put up his task.

Q. Has the physician's attention been called to it? A. Yes, sir; McClees has been afflicted with alcoholism and syphilis primary and secondary, and I think I have a letter from a physician, saying he had it in almost all forms; he has a light task now, the lightest in the shop.

*Joseph H. Beach*, sworn :

By the CHAIRMAN :

Q. You are principal keeper in this Reformatory? A. Yes, sir.

Q. How long have you been so? A. Since the tenth of May, 1880.

Q. Prior to that, what was your position? A. I was; I had different positions previous to that.

Q. Connected with the institution from the beginning? A. Yes, sir; most of the time keeper.

Q. Do you know the prisoner Charles Junius? A. I do, sir.

Q. Do you recollect the case of Madden? A. Which Madden?

Q. James Madden? A. We have had two Maddens here.

Q. The taking of the prisoner Madden by the ear, and twisting it? A. Yes, sir; I believe I took him by the ear; I remember taking him by the ear.

Q. What was the necessity for it? A. The circumstances were that he was under arrest, and being conducted to the solitary; and he refused to obey; refused to fold his arms; and made demonstrations of resistance.

Q. Did you strike him? A. Not to my recollection.

Q. Did he attempt to commit suicide at any time? A. Not to my knowledge.

Q. Do you remember the case of the boy Hughes? A. I do.

Q. State what you know of the facts of that case? A. Hughes was addicted to the practice of self-abuse; the forenoon previous to the suicide, he was working in the shop, and seemed to be of cheerful spirit; he was talking to me on the stand and come down; and while talking he asked the privilege to black his shoes, and showed no signs of any melancholy at all; and that afternoon he hung himself.

Q. Did you see the body afterward? A. I don't think that I did.

Q. Did you see any attempt to resuscitate him. A. No, sir; I did not.

Q. What in regard to the case of Reddington? A. Reddington was a very dangerous, desperate man, and caused us a great deal of trouble; at various times he got knives and other instruments.

Q. Did you ever punish him? A. Yes, sir.

Q. What way? A. By handcuffing him to the ring.

Q. Ever by showering or paddling? A. No, sir.

Q. Was he ever paddled, to your knowledge? A. Never was.

Q. The case of Wallace Bell; do you recall that case; an attempt to escape? A. I don't remember it.

Q. Try to hang himself — the case of Fulger also? A. Well, I remember the officers claimed they either were intending to or else feigning intent, they had an opportunity to do it and didn't do it though.

Q. The case of Tibbetts; what can you state with regard to the character and conduct of him, and your treatment? A. Tibbetts is or has been a bad, dangerous fellow, and has caused us a great deal of trouble here, more than perhaps any man we have; at different times he has been punished.

Q. He was a witness on the trial of Simmons? A. Yes, sir.

Q. Was he punished after that trial in consequence of any testimony which he gave at that trial? A. I don't recollect he has ever been punished since then.

Q. Was he degraded in rank, or put to any severer tasks in consequence of having appeared at that trial? A. No, sir; in fact he has been put to the lightest work that we can put any man at; tailor shop since that.

Q. Do you know of any witness who was at that trial, who has been treated with any greater degree of severity in consequence of his having so testified? A. No prisoner ever has.

Q. Have you ever heard Mr. Brockway intimate that any prisoner ought to be punished in consequence of having given testimony at that trial? A. No, sir; never intimated it to my knowledge.

Q. Or any other officer of the prison? A. No, sir.

Q. In the case of the man Dunn, did you punish him? A. Yes, sir.

Q. John Dunn? A. Yes, sir.

Q. How? A. By being put in a solitary cell.

Q. Ever paddled? A. I never saw him paddled, he was strapped previous to my being principal keeper.

Q. To your knowledge was Dunn ever kept five days in his cell without any thing to eat or drink? A. No man ever was to my knowledge.

Q. Have you known of more than one case of paddling, since you have been connected with the institution? A. I have known of one case of paddling; I have known since I have been principal keeper, of one case, the man Taylor that was whipped with the hose, and Murphy, who was struck with the strap, probably six or eight blows.



Q. Do you know any thing of the paddle in use here, during the first two or three years of the Reformatory? A. I never saw it.

Q. This is the only paddle you ever saw? A. Yes, sir; the only one I ever saw here.

Q. What was there about Mr. Tibbetts, who swore you jumped on his breast; I will call your attention again to that; did you in any instance ever have occasion or discipline Tibbetts for disorderly conduct? A. Yes, sir; if you will allow I will tell you; in 1879, I believe it was, Tibbetts had previously been several times in the third grade, and he had a reputation of being what is termed among prisoners, a knifer, frequently threatened using knives, and had upon various times assaulted men.

Q. With a knife? A. No, sir; but he had carried them, and he was working in a part of the shop where knives were used; upon this evening, in turning out, he took a large hickory club with a heavy iron screw on one end of it and passed through and went across to where another man was working, and assaulted him severely with the club; the monitor—

Q. A mop handle? A. No, sir; whitewash handle; I rushed down there and the monitor had previously got to Tibbetts and wrenched the club from his hand, and Tibbetts was making demonstrations of anger still, and trying to get away, and I seized him by the collar and held him till the men passed out of the shop, and ordered him to fall into the third grade line; this he refused to do; and I ordered him three times, and the third time he closed up and marched along till he reached the walk; there he dropped off and stepped back about six feet and marched slowly; I ordered him up again, I thought he expected to get some help there; I ordered him again and he didn't close up; the third time I ordered him he dropped his hand in his pocket, and I supposed he was going for a knife and I struck him with my hand and knocked him down, across into the road; as I came toward him he raised up on his hands and kicked at me, and as he kicked I caught his foot and kicked him on his posterior; I then struck him once or twice, and he closed up the line.

Q. Strike with your fist? A. Yes, sir; I had no stick at all.

Q. Did you place your feet upon his chest? A. No, sir.

Q. Nor kick him in the chest? A. No, sir; my feet touched him nowhere except in the stern.

Q. Did you jump on him? A. No, sir.

Q. Did you try to jump on his face? A. No, sir.

Q. Did you strike him with your fist while on the ground? A. While he was partly up and kicking at me.

Q. Did you use any more force than was necessary? A. No, sir; at that time all the men were loose in the yard; it was a case of mutiny; something had to be done; had he closed up there would have been no force used at all.

Q. Did the other convicts show signs of insubordination? A. They did not; the third grade men stopped and stood still; it was of short duration.

By Mr. BROCKWAY :

Q. How many men were there within a distance of one hundred feet? A. Probably three hundred men.

Q. They were all awaiting the termination of this struggle? A. First grade men always stand idle till the third and second march through; third grade men stopped inasmuch as I stopped.

Q. There was nothing to hinder the third grade men making a simultaneous attack on you? A. No, sir.

Q. Do you know any thing about any hemorrhages right after that that Tibbetts had? A. I think they occurred as late as three months after that; the doctor swore on the Simmons trial that they couldn't have been brought on by that.

Q. Did Tibbetts remain in his usual health for some time after that? A. Yes, sir; he was punished several times after that; once for attempt to escape.

Q. Was he ever shot at while attempting to escape? A. No, sir; it was in a place where he couldn't shoot; it was in the duct.

Q. Ever seen anyone shot at while attempting to escape? A. No, sir.

Q. Have you known of it? A. No, sir.

Q. You would consider it necessary and proper to fire upon a convict if you should see one attempting to escape? A. If they didn't halt when ordered.

Q. This is one of the rules of the institution? A. Yes, sir.

Q. Is that a rule of all State prisons? A. I understand it to be so.

Q. O'Dee claims you kicked him down stairs? A. No, sir; that is absolutely false; he refused to obey the teacher in the school room, and was insolent to the teacher, and I was sent for and started down stairs with him; and he halted on the stairs, and I put my foot against him and pushed him; but he didn't lose his balance even.

Q. No violence used? A. Only to give him a good strong push; might have been more than one push.

Q. McClees says something about kicking a man all the way down to the solitary; a man that had got a piece of bread; that you beat him with a stick? A. Was it Smith?

Q. Yes? A. In the first of it Smith wasn't taken in the solitary that morning; but I did strike Smith with a cane on his backside several times; he assaulted a monitor as he came out of his cell; the men were all loose in the hall and it created quite a consternation; it was stopped and he marched up through the hall and out of the door; as he passed out of the door one of the men that stopped the fracas down in the hall, Smith threw the contents of the bucket at him; and threw the bucket, and I jerked him out of the line and struck him several times with my hickory, and then took him to his cell; and it is likely he was afterward put in the solitary.

Q. As to McClees' evidence, have you had any occasion to discipline him? A. No, sir; never.

Q. Has he been threatened with punishment within the last day or two? A. The superintendent told him he must come up to his task or he would reduce him to the third grade, and also would punish him.

Q. Has there been any deterioration in the diet or food since your connection with the institution? A. Not to my knowledge; I think it will average just about the same as four years ago; the diet is frequently changed.

Q. As to the frequency of punishment, how does it compare during the last year with what it has been in former years; is there any increase in the severity of it? A. No, sir; they are decreasing rapidly; our books show our punishments at first were much more numerous than at present; perhaps for the last six months we have had as much as is usual.

Q. The general order and discipline of the institution, what is its present condition? A. At present it is a fact sir, that since the committee went through the works, that there has been a feeling of insubordination, and we have had a number of cases more than usual of refractory prisoners.

Q. Do the prisoners refer to the fact of the committee being here? A. Some of them have.

Q. Expressed the thought that they are to get some relief from the fact of the committee being here? A. Some have; some prisoners even told me that parties that passed through there that day told them they ought not to be here and we couldn't keep them; that they were unjustly detained, and one man the very noon after you went through, he said there was no use of his doing his work any more; said he had got about through.

Q. Have you instructions from your superior officers in this institution as to your conduct, your bearing, your manner, and spirit and temper, with which to exercise your functions in the prison? A. Yes, sir.

Q. What instructions are given you on that point? A. The superintendent gives me, as all other officers, instructions not to use any physical force or corporeal punishment, unless absolutely necessary; if a man would commit an assault on you, in self-defense that would be justifiable; if in bringing a man from the shop for any violation of the rules he refuses to come, or stops on the way, then it is justifiable to use physical force and in no other instances.

Q. In your judgment is the deprivation of food and deprivation of the ordinary bedding or cot in the cells a necessary part of the discipline? A. I think it is.

Q. Is it effectual under your observations, in securing good results? A. In most all cases it is.

Q. When not successful what further do you do? A. The ring-bolt, and the cases you know of, only two since I have been principal keeper, the strap and hose.

Q. You consider corporeal punishment, as it has been administered occasionally, to be necessary as a part of the discipline? A. Yes, sir; I think more of it would be far more beneficial, in fact; not too much of it.

Q. Have you any personal repugnance to the infliction of corporeal punishment? A. I wouldn't do it unless I thought every other means had failed.

Q. You disrelish the performance of that duty? A. Yes, sir; I think it is degrading, demoralizing.

Q. Is it your opinion that the maintenance of order requires the kind and degree of severity that has been exercised? A. I do, sir; I think it is necessary for the worst element of our men to know that there is in the background something beside the ring-bolt if they go too far.

Q. You feel it would not be safe to appeal to moral considerations alone in dealing with prisoners? A. Not in all instances; ninety-nine out of a hundred it would; but there are those whom it wouldn't affect.

Q. What is your experience as to their truthfulness or veracity? A. Well, talking with me on a matter of business, or with the superintendent or any officer, I think as a general thing they are — they can be believed, but you take them in a case where they are interested, and often they are not to be believed as well; they frequently make misstatements and contradict each other, etc., in our court.

Q. As to the amount and degree of labor required of convicts in the Reformatory, do you find instances where, in your judgment, they are overworked? A. Occasionally such an instance comes up; if there is any suspicion for any such belief they are immediately referred to the physician, and he says whether the man is able to or not; if he says in his opinion a man is not able, or has any doubts about it, the superintendent changes him.

By Mr. LIVINGSTON:

Q. Have you ever, since you have been keeper, knocked any convict down with your cane, by blows across the head? A. Yes, sir, I have; he didn't fall clear down, but on his hands and knees.

Q. Struck him across the head? A. Yes, sir; because he had a knife in his hand, and I had hold of him and he drew his knife to strike me; that was the only case, of Welch.

Q. Do you know of any favoritism being shown to different prisoners? A. No, sir; no favoritism regarding marks or with regard to tasks; of course some have lighter work; some men must needs have; all cannot have the same.

Q. Are you a free-mason? A. No, sir; I am an odd fellow.

Q. Do you know whether there are any members of your fraternity in the Reformatory at present? A. There is one that claims to be, yet he knows none of our signs.

Q. Who are the parties that set the tasks for prisoners? A. Superintendent.

Q. Not the contractors? A. No, sir.

Q. Have the contractors nothing to do about it? A. No, sir; the contractor hasn't the power.

Q. The contractor has the power to assign convicts to certain parts of work? A. Not unless the superintendent gives his permission.

Q. So many convicts are hired by the contractor and he places them in his shop, and it is then the superintendent's duty to determine to what particular part of the work the convict shall be assigned? A. Yes, sir; it is so put down in the contract.

Q. And has this matter always been managed in that way since the contract system came into vogue? A. It has been as it originally was.

The following statement was here presented and read by Mr. Brockway, as to the number of prisoners, etc.:

NEW YORK STATE REFORMATORY, *March 22, 1882.*

Number of inmates in confinement at this date.	539
Of this number there are, of definites	09
Of indefinites	530
	<u>539</u>

INDEFINITES.

Number who have been here four years and less than five years	19 — 3	31.53 per cent.
Number who have been here three years and less than four	26 — 4	48.53 “
Number who have been here two years and less than three	64 — 12	4.53 “
Number who have been here one year and less than two	138 — 26	2.53 “
Number who have been here less than one year	283 — 53	21.53 “
Total	530	

Of the average number of inmates paroled to date, the average time detained in the Reformatory is nineteen months.

Adjourned to Saturday, 10 A. M.

AT THE RATHBUN HOUSE,  
ELMIRA, N. Y., *Saturday, March 25, 10 A. M.*

*George Edward Lyons*, sworn:

Examined by the CHAIRMAN:

Q. You are an inmate of the Elmira State Reformatory? A. Yes, sir.

Q. How long have you been? A. Six months.

Q. What were you sent there for? A. Grand larceny.

Q. First offense? A. Yes, sir; of stealing any thing of that kind.

Q. How old are you? A. Fifteen; I gave in the age of seventeen because I thought I would be sent to the army, or somewhere else;

I will not be fifteen till the 18th of July ; I came up there on the 22nd of September.

Q. Where do you live when at home ? A. The residence of my mother is Detroit, 51 Twenty-third street ; I was sent from New York City.

Q. You went in the second grade when you came here ? A. Yes, sir.

Q. Are now in the third grade ? A. Yes sir.

Q. Ever been in the first grade ? A. No, sir.

Q. How long have you been in the third grade ? A. Five months.

Q. Do you attend the night school ? A. Sometimes ; I don't do it now, because I am locked up in solitary confinement, alone in the dark—been there over a month ; some men have been that way for sixteen months.

Q. When you are not so confined, you attend the night school ? A. Yes, sir.

Q. You knew how to write and read before you came here ? A. Yes, sir ; I have forgot more since I came here than I learn, so far as school is concerned.

Q. What are you studying ? A. Geography and mathematics.

Q. How far are you advanced in arithmetic ? A. I am advanced further than they are, but they are advanced in longitude of time.

Q. Do you find it difficult to learn the lessons ? A. Some men do that haven't much brains, but I don't ; but it isn't because they are easy.

Q. But because you have the brains to do it ? A. Yes, sir.

Q. Your record in night school is good ? A. Perfect.

Q. You say you are at present locked up in the solitary ? A. Yes, sir.

Q. How long have you been there ? A. Five weeks, Friday.

Q. For what offense were you sent ? A. The first time for knocking down a lamp, coming down from school.

Q. Do it on purpose ? A. Yes, sir.

Q. How long were you locked up for that ? A. One month twenty-six days.

Q. What are you locked up for now ? A. They sent me out to work and I was so stiff I was hardly able to move ; I remained down so long I got something the matter of my back and went to see the doctor about it, and the doctor told me there was nothing the matter , and he told me to take my place in the line, and I told him I couldn't do it ; the worst I said to him was that I couldn't work in that condition, and he sent a man to get the assistant superintendent, and he brought me to the solitary confinement—Mr. Beach.

Q. You have been there how long ? A. Five weeks.

Q. You are chained to the staple in your cell ? A. Yes, sir.

Q. By the wrist or ankle ? A. By the wrist.

Q. What is your diet ? A. I get the same as other men do ; it is salt meat and potatoes Monday, meat generally so salt you can't



put it near your mouth without fear of getting blisters on your lips, and potatoes, and for dinner you have potatoes, in the morning for breakfast, and bread and water; we never get no coffee nor tea, and at night we have sometimes, they call it oat meal, but I think it is a mixture of barley and some other things; about ten men out of five hundred and thirty-nine eat it; the next night we have bread; at dinner we have soup without any meat, and it's very thin lately; for supper we get potatoes and bread, and the next morning potatoes and bread for breakfast, and salt meat and potatoes for dinner, and the next morning we get generally always the same thing, and the next morning, Friday, we get potatoes and bread, and for dinner we get our soup, for supper we get — supposed to do a day's work on soup; Saturday we get meat for dinner and bread and potatoes for breakfast, and bread and oat meal for supper.

Q. Do you get enough to eat? A. You get enough if you take it; sometimes you don't get enough of bread.

Q. You can have enough if you ask for it? A. No, sir; they got it out in pans, and sometimes the pans are so dirty you are scared to eat the meat; you get it in pans and bring it to your cell, and you eat the meat with your fingers after you come in from doing work in the foundry; never allowed to write or receive letters from home; this is in the third grade; people don't know how easy it is to get in the third grade, and how hard to get out.

Q. You have to work pretty hard to get out? A. Yes, sir; men that have been there twenty-one months in the third grade can certify to that; I suppose I am protected from any thing I say.

Q. Yes, you can talk as freely as if Mr. Brockway was not here? A. As far as you can protect me I suppose it is all right.

Mr. BROCKWAY:

Q. Do you feel afraid? A. Yes, of course I do; bring down two insane men and — and one man that has his brains in the seat of his pants.

Q. Can't you get out of the solitary if you want to? A. No, sir.

Q. Were you put in for a certain number of weeks? A. Indefinite.

Q. Don't know when you will get out? A. They said they would keep me in till the day I go out; Mr. Brockway said so.

Q. Didn't the keepers tell you that on such and such conditions you could be released? A. Well there is sometimes they come in and ask you if you will behave yourself; you say yes; sometimes they take you out and sometimes they don't; I know men kept sixteen months; I know a man that killed himself.

Q. Who was kept sixteen months? A. Carroll, I think it is; they had a man, James Reddington, killed himself rather than to

stay any longer ; they beat him and starved him ; there is an old saying " they say they will kill you or reform you in the college on the hill."

Q. You expected to graduate from it ? A. In five years ; I am put in the foundry where I can not do the work, and there was men a great deal larger than me put in the shoe-shop, and they take all the colored men and the Jews and everything else, and put them at the easy work and take all the civilized Americans, as we can call them, and put them at the hardest work they can get for them.

Q. You are one of the civilized Americans ? A. I don't profess to be, but others have been.

Q. Well now, don't you understand that by promising obedience to the rules, promising to perform the tasks assigned you, you could be released from the solitary ? A. I have promised that often and often, but what good, they don't give me a chance ; if a man goes out to the iron foundry and does a day's work on meat it is one thing, but there is two weeks I haven't eat a piece of meat except once in the two weeks.

Q. Couldn't you get it ? A. Yes, but it was too salty ; only got fresh meat once a week, and a piece of sole leather is soft compared to it.

Q. You find work in the foundry too hard ? A. Yes, sir.

Q. What is your work ? A. Moulding spiders and frying-pans.

Q. You have to lift weights too great ? A. Yes, sir, and carry. them too far.

Q. What is the weight of the articles you carry ? A. Carry a full ladle of iron weighing sixty pounds, but there is a very awkward way of carrying it, and we have to carry it—I couldn't tell you the length of the length and sometimes half the length, and carry it in one hand like that, a long ladle, and the iron is very often liable to spill and burn your feet ; if you burn your foot you lose a mark, and that means a month, whether you do it on purpose or not, because some men just as soon jump into a ladle of iron.

Q. What motive has a man to injure his clothing ? A. He can't help it most always ; you have to carry the ladle full, and it spills sometimes.

Q. He has no motive for trying to hurt himself or injure his clothing ? A. No, sir ; but they say he does, say he wants to shirk his work.

Q. Does he get rid of work by damaging his clothing ? A. The iron burns him, of course, so he is kept in his cell sometimes, and the pain he suffers makes up for the time he has in his cell.

Q. In the cell as you are now do you suffer pain from it ? A. I don't suffer much when I am lying down, but I do when I get up ; I have known men that suffered from the paddle, they say they have.

Q. You never were paddled ? A. No, sir ; they say the superintendent threatened to paddle me ; on February 14, he threatened to take the law in his own hands and paddle me.



Q. He didn't do it? A. No, sir; I suppose I was too little, and would not leave much of me if he did; he told me himself that he would do it for the exercise.

Q. Did he talk as though he was angry with you? A. This time he told me he would take the law in his own hands, he talked as though he was angry; the time he said he would do it for exercise he spoke to me socially.

Q. What has been Mr. Brockway's general manner? A. One minute he would laugh at you, and one minute he would kill you; very treacherous; laugh at you in front of your face and bite you behind your back; the officers are all the same way; the meanest men I ever put my eyes on.

Q. What is the ground of their opinion of Mr Brockway, that makes them say so? A. Because they generally always keep men there as long as they can.

Q. Their object is too keep them as long as they can? A. Yes, sir; I know a man by the name of John Shearan that was in the first grade; he attended the wine room in the Brighton Beach hotel; when he come he was a weak man, and they put him in the foundry to do work he couldn't do, and he couldn't earn his marks and came near being reduced to the third grade; I don't know how he got away from that; I know religious influence in New York does a good deal for the men that are up there; I know it to be so because I worked for the men that was kept there; John Shearan told that a certain officer in that institution had been three years in a lunatic asylum in Rochester for killing a man.

Q. Has he ever shown any signs of insanity that you have seen? A. Not that I have seen, but I don't like him at any rate.

Q. What is his name? A. Hugh Brockway; I have heard it said that he killed a man in Rochester; said by most every man in the institution.

Q. Do you know anything about the matter yourself? A. No, sir; I can show other men that know this thing; they only brought down three men; there is the man with the best job in the institution, and it is likely he would tell a good story; that superintendent is the meanest man I ever came across.

Q. Can you tell the names of the persons who can give the information? A. There is a man named Wheeler; I guess the superintendent can tell.

Mr. BROCKWAY — John Wheeler.

WITNESS: He says he can testify to a number of men that have gone out of that institution in a box; men that come in alive and went out dead.

Q. Men that died in the institution? A. Yes, sir; they don't die from natural causes, but die from the black bottle.

Q. What is that? A. Dose of arsenic or something else; John Wheeler can give you knowledge on that.

Q. Come back to this case; have you endeavored since you have

been in the reformatory to observe the rules of conduct laid down for the prisoners? A. Yes, sir.

Q. Do you know your record for conduct? A. Yes.

Q. What has it been? A. Been very bad.

Q. You have been a little disorderly? A. A little too disorderly, they say, and I can give the cause why I have been that way; the cause is that I was put in the foundry to do what I could not; I asked respectfully for work that I could do; States Prison is a paradise to that place.

Q. You never have been in States Prison? A. No, sir; I think that it is a paradise to that place, and I think I will be treated better there and get better work.

Q. Go back to the time of your commitment to this reformatory and give us a statement of the course of treatment you experienced and the work you were required to do from the day you were put in: state first what work you were put at? A. Put brushing dirt off from spiders after they came out of the moulds; they call that the cleaning room.

Q. That is light work? A. Yes, sir.

Q. You had no trouble with that? A. No, sir.

Q. How long were you kept at it? A. One month.

Q. What then? A. Brought to the foundry and put to helping a man on the spiders?

Q. Was that hard work? A. No, sir.

Q. You had no trouble with that? A. No, sir.

Q. What was your record while on that? A. All right only when they put me in the foundry, I refused to work because I thought they put me on something I couldn't do, at least I was frightened; after that I went out and behaved myself pretty well, only I asked the superintendent to send me to the Auburn State Prison, and he turned around and got one of the officers; officer said I was continually talking, and brought me into the solitary confinement, and that was when I was in the foundry about two months, I think.

Q. The work required at that time was light work? A. Yes, sir.

Q. But you didn't like to do it? A. I didn't mind it then at the first, before I went there at all; as soon as they brought me in I got frightened with the work and refused to do it, before they put me on another floor; then as soon as they sent me in and sent me to the officer, I told them I couldn't do it; I refused to work as soon as I went in there, and they put me into the solitary.

Q. You were put first at cleaning spiders? A. Yes, sir.

Q. You did that work? A. Yes, sir.

Q. You were not put in the solitary for that? A. After two weeks—I have got a quick disposition and kind of got turned around; some trouble happened to my mother and got me turned around and almost crazy, and I refused to work there, though the work was not hard; I was then put into the solitary and stayed one day.

Q. That was light work? A. Yes, sir; after they brought me out of the solitary I went at the same thing for two weeks, and then they ordered me to the foundry to do moulding, and then I said I couldn't do the work and they brought me to the solitary.

Q. How long were you kept then in the solitary? A. Friday to Monday morning, and then I was taken and put in to the foundry and worked for two months as helper; that was light work, pretty light.

Q. You didn't like the work? A. I didn't mind the work.

Q. Then what happened? A. I asked the superintendent to send me to Auburn, because I didn't like the food, didn't like the treatment, didn't like to be in the solitary.

Q. What was the treatment you didn't like? A. The officers; in the first place the officers said I was continually talking when I wasn't talking; that was only an excuse to put me in the solitary.

Q. Why do you think they had a grudge against you? A. They have no grudge against me.

Q. You think they were laboring under a mistake when they charged you with talking? A. Yes, sir, and they were laboring under a mistake, but they made it on purpose.

Q. What for? A. To put me in the solitary, to cool me down; they said my mind was out of order; they said I was in a bad humor.

Q. You showed too much temper? A. I asked the superintendent to send me to Auburn, and he said I was in a bad humor and they wanted to get me into good humor again.

Q. How long did you remain? A. Monday to Friday.

Q. Then what was done? A. Then I was taken out and put in the foundry again, at the same thing I was before; I remained at it for a month, I think it was, and then I—the work was a little harder, because I had to carry iron, and after that I was taken and brought into the solitary for having a big weapon in the cell; it was a piece of a file about that long, hammered down and sharpened.

Q. Was it a violation of the rules to have it in your possession? A. The rules didn't expect a man would have a thing like that, so it was a violation, and they threatened to paddle me, and I threatened if they paddled me I would kill him; I told the keeper if he paddled I would kill him; I told him I would croak myself; he said "no matter if you do, we will only take you out and bury you beside the wall," and I was put in the solitary for that.

Q. How long were you kept there? A. From two days before Christmas to New Year's eve.

Q. Put on bread and water? A. Well, I had bread and water for three days, one slice of bread and about an eighth of a gill of water; the water is always so dirty and warm you are better off without it.

Q. What did you go at after you came out? A. For about three weeks at the same, and then put me on a floor at my own, at the

end of the foundry, where I had to carry iron half the length of the foundry, and heavy weights, weigh sixty pounds, and carry it in an awkward way that made them weigh about seventy or eighty pounds, with a long handle, and carry it down in that way; if I knocked against any thing and burnt my foot I would get marked for it.

Q. At that time were you entirely well? A. As good as it ever was.

Q. Any trouble in your back at that time? A. No, sir.

Q. How long did you continue at that work? A. For three days, when they brought me into solitary confinement for throwing down a lamp, but they didn't know I threw it down; it was only guess work; it was a first grade man standing right beside me, and one of the best men in the institution; he has been fourteen months and got fourteen straight nines and they won't let him out; he stood right beside me and said he didn't see me do it; that shows they made guess work about it; when they brought me into the solitary I admitted to them I did do it.

Q. How long were you kept in the solitary then? A. Twenty-six days.

Q. Any thing said about releasing you if you would comply with certain conditions? A. All the releasing was they would release me when my time was up in five years.

Q. Who threatened you? A. The superintendent.

Q. At the end of twenty-six days what did you do then? A. They took me out and put me to work, and I was so sick I went to the doctor about it, the doctor sent me; come up to my cell and sent me to work and sent around to find out something; he wasn't sure whether I was sick or not; he sent me out in the afternoon to work, and in the night-time he sent a man around to get something for me, to know whether I was sick or not; if I was sick, and he didn't know sure, and why should he send me out to work unless he knew.

Q. Did he make a personal examination? A. No, sir.

Q. Simply listened to what you had to say? A. Yes, sir.

Q. Did you tell him how you were suffering? A. Yes, sir.

Q. Pains of your back and stiffness of your limbs? A. Yes, sir; and swelling of the limbs, too.

Q. Did he examine your limbs? A. Yes, sir, and found them swollen, too.

Q. What did he say? A. Didn't say any thing to me; he brought me down the day before the examiners come around, or the same day; a week ago to-day they came in, and about two minutes before they come around he come and felt my pulse and put an instrument under my arm for the temperature of my body, and then went out again; that shows he wasn't sure whether I was sick or not; he wanted to make sure for fear there would be a doctor among them; if I was sick they would have taken me out before the inspectors passed around.

Q. You claim that this pain in your back and stiffness of your limbs was caused by your being kept in the solitary twenty-six days?

A. Yes, sir.

Q. Lying upon the flagging, have any bed? A. Yes, sir.

Q. The same bed you usually do? A. Yes, sir; only no bedstead.

Q. What kind of a bed? A. Straw bed, good enough for a horse, and under that stone flagging.

Q. The bed was the same you usually had, only no bedstead under it? A. Yes, sir.

Q. Is the cell damp? A. No, sir, not unless damp from the foul air that comes from the bucket or slop pail; I suffer from bad air too.

Q. You have been suffering from that ever since? A. I haven't been walking around too see.

Q. This morning how were you? A. I found I was worse than I ever had been; may be my limbs are swelled some, but they are stiff and it is difficult to walk.

Q. The pain in your back interferes with lifting? A. Yes, sir, it does; something the matter of my kidneys, I suppose; there is constant pain whenever stooping a good deal while standing up.

Q. After your release from the twenty-six days, you were then put at work? A. Yes, sir.

Q. Been at work ever since? A. I said I went to see the doctor about my work, and they put me in — I went a week ago Friday and have been in ever since, and the probability is I will be in a good while, since they don't care how long a man is in there; they can kill a man in there and no one will know about it; I think may be they mean to do it, too.

Q. You have never been paddled? A. No, sir.

Q. Never been struck? A. I have.

Q. By whom? A. Joseph C. Beach.

Q. For what? A. For whistling in the cell.

Q. How did he strike you? A. With shut fist, and with his feet kicked me.

Q. What were you doing? A. I was chained up to the wall by my hand.

Q. Were you resisting him in any way? A. He told me not to whistle and I did do it.

Q. Did he kick you very hard? A. Yes, sir.

Q. Strike you very hard? A. Yes, sir.

Q. Lying down? A. Standing up with my hands — and the superintendent also struck me.

Q. With his hand? A. Yes, sir, with his hand and foot; I was lying down and he rammed the heel of his boot down my mouth as far as he could, and shoved me up against the wall and hurt my wrist; he would take me and throw me up against the wall.

Q. When was it? A. When I was put in solitary confinement for talking, as they said.

Q. How long ago? A. About three months.

Q. Since the first of January? A. A month before the first of January.

Q. Prior to the twenty-six days confinement? A. Yes, sir; they have struck men since the first of January that I have heard.

Q. Were you ever struck or kicked in such a way you suffered pain from it? A. Yes, sir; I suffered hardly pain at the time, a good while afterward; he struck me in the eye so much my eye was swelled shut about two days.

Q. Who struck you? A. Mr. Beach.

Q. Were you resisting him; was he endeavoring to reduce you to obedience, and were you resisting physically? A. No, sir, not physically; he told me not to whistle, and I did whistle, is all.

Q. Your arms were chained up? A. Yes, sir, and I couldn't do much with my feet either.

Q. Did you try? A. No, sir.

Q. Did you kick him? A. No, sir.

Mr. LIVINGSTON :

Q. Tell me, when you were in the solitary cell for twenty-six days, were you chained by the wrist to the wall, all that time?

A. For twenty-four days I was chained to the wall, and two days I was let to stand up.

Q. When you were left to stand up were you chained to the door?

A. No, sir; the cell was dark for twenty-four days.

Q. Did they board up the cell? A. They had a black door over it, a door that you couldn't see through; the foul air came from the bucket and used to smell so it was perfectly terrible.

Q. During the twenty-four days did you have any regular supply of food? A. Fed me on bread and water for two days and the rest of the time they gave me — eight day they gave me one meal a day, and then three meals a day, and sometimes they neglected to give me them and only gave me two.

Q. Have you ever been shut up in the solitary and gone over without any thing to eat at all, bread or water? A. No, sir.

Mr. KEYES :

Q. Is a bucket provided for your cell? A. Yes, sir; a bucket and slop pail, and it is sometimes bad.

Q. Emptied every day? A. Sometimes they neglect them; it is emptied on an average every twenty-eight or thirty hours.

Q. Not emptied regularly every morning? A. No, sir, not always; in fact, I would have to wait until they were nearly overflowing, and then holler for it; I found the dirt thick on the one I had this morning.

Q. What are they—wooden buckets? A. Wooden buckets with a sort of lining of china or enamel on the inside.



Q. Whose duty is it to attend to the emptying of the buckets?

A. The hall-keeper and his assistant, and they have prisoners under him.

Q. The hall-keeper requires it to be done by prisoners? A. Yes, sir.

Q. Buckets are sometimes neglected for more than twenty-four hours? A. Yes, sir.

Q. Are they neglected for a period of two days ever? A. Sometimes, but not very often; most always neglected from Saturday afternoon until Monday morning; the buckets in the solitary confinement, I mean when I first went in, they used to leave them two and three days.

Q. And the ground of your complaint is the buckets are not properly cleansed when emptied? A. Yes, sir, and that they smell very bad.

Q. Is there any cover for them? A. Yes, sir; the cover don't keep the air in them.

Q. It isn't a close-fitting cover, then? A. No, sir.

Mr. BROOKWAY:

Q. Isn't there a recess in the wall where you can put your bucket?

A. Yes, sir; but you can't get it again when you are chained down.

Mr. KEYES:

Q. If you are loose in the cell can you put it in the recess, where it will let the bad air escape? A. Yes, sir; but when you are chained, I can push it perhaps into the recess, but I can not get it out again.

Mr. KELLEY:

Q. Did you tell the gentleman that for eight days you only received one meal a day? A. Yes, sir.

Q. Could you have had any more if you had asked for it? A. No, sir; they are supposed to give me a gill of water a day, but there was a watchman and I wouldn't like to have his gills, it would take about twenty to make a pint, regular gill it takes four; it would take about twenty of his; and the water was so hot and dirty you was better off without it; it just covered the bottom of the cup.

Mr. FARRAR:

Q. What is the matter of your hands? A. They are always like that; the cuff was tight after you went away and they loosened it, and afterwards they got it tight again; my hand is swelled up.

Q. They would have loosened it if you had called their attention to it? A. They might have, but they wouldn't have loosened it too much; the skin is all over me in that way.

Mr. BROCKWAY:

Q. Why did you throw the lamp down? A. I stated that in the first place; I asked you to take me out of the foundry and you wouldn't do it; well, of course, that is your business; I asked you to put me at some work lighter, to get out of the third grade; you never excused a single offense of mine, come to that, I thought I would be better off in Auburn prison, so I thought I would ask the managers politely to send me there, and get out of there the best I could, because I didn't have no hope under such regulations as these to get out any way; I am too young, and when you wouldn't send me to Auburn when I thought I couldn't go to Auburn any other way every way I tried, I thought I would try to set the school on fire; no person would be injured, no person that would be of any good, at any rate, except a couple of officers, and they ain't worth much; I thought I would do that; before I thought I would do that I asked a man about it, and the man told me there wasn't kerosene in them and wouldn't burn, so I thought I would try it, whether it would or not, so I shoved it down; it didn't burn; if it had burnt it would have done what I intended to do.

Q. It would have burnt the building? A. It wouldn't all, part of it is stone; I wanted to so much that it would bring me to Elmira for a new trial; I think a man is better off dead than in that institution.

Mr. CLAPP:

Q. Do you say there is a man confined, and has been for fourteen months, and has fourteen nines? A. Yes, sir.

Q. What is his name? A. John Smith, number five, he is working at moulding, and comes from some part in the Rocky Mountains; I suppose he was arrested in the State of New York, had to be; there is other men there; there is men that have got more than fourteen nines.

Q. Where were you at the time you assert that Mr. Brockway put his heel as far down your mouth as he could get it? A. I was in the cell; there is four cells in the solitary four stories high; I was in one of the solitary cells.

Q. Chained to the wall or door? A. To the wall.

Q. What gallery? A. On the ground floor, the last cell toward the west, on the south side of the solitary.

Q. You were chained by your wrist to the wall at the time? A. Yes, sir.

Q. When he put his foot down your mouth, what did you say? A. I didn't make any —

Q. Did you cry? A. No, sir; I kept perfectly still and didn't open my mouth; when he touched me I made a guard like that.

Q. How did he get his heel down your mouth if you didn't open it? A. I didn't open it to say anything.



Q. Did your mouth bleed? A. No, sir, not very much.

Q. What? A. Not at all.

Q. Did you cry? A. No, sir.

Q. Did he hurt you in particular? A. Not very much, but I suppose he meant to, sir; I don't know whether he meant to; I don't think he meant to very much.

Q. Did he have shoes on? A. I think he had shoes on, pretty small heel; I haven't got so very big mouth.

Q. Were you talking to him before? A. Yes, sir; he come into my cell; he come to the cell door, and he said "George, what are you always talking for?" I said I wasn't talking at all, it is a lie and I know it is a lie; I didn't say the officer was a liar, and he come into my cell, opened it, and commenced to chastise me, hit me with his hands and put his shoe down my mouth, and hit me in the face with his clenched fist, but he didn't do it very hard; he said "you will force me to go to extremes, will you," but didn't strike me very hard; didn't hurt me very much.

Q. Did he put his foot on your mouth to stop your talking? A. No, sir.

Q. Did he raise his foot to jam you? A. He kicked me, not very bad, kicked me in the body.

Q. Did he loosen any of your teeth? A. No, sir.

Q. When he put his foot on your mouth you don't think he meant to hurt you? A. I don't think he meant to hurt me very much; the assistant-superintendent nearly choked a man to death; I was in the next cell to it and heard the man hollow, Jacob Wincent; I heard him hollow, and Beach came in and choked him, and I suppose put his arm around him like that; I could hear him making some struggle, and trying to utter some sounds out of his throat, and Beach asking him if he would talk any more, kept him probably till his tongue was out, and blue in the face.

*Dr. Emil W. Krackowizer*, sworn and examined:

By the CHAIRMAN:

Q. You are a physician and surgeon? A. Yes, sir.

Q. How long have you been practicing medicine? A. Seven years.

Q. Graduate of Medical knowledge? A. Yes, sir; of Leipsic, Germany.

Q. Have you had experience in hospital practice? A. I have.

Q. In general practice? A. Yes, sir.

Q. Have you examined the prisoner who has just left the stand? A. I examined the prisoner with reference to this statement that his feet were swelled, and find they are not; if they had been swelled it would have been prima facie evidence of his having Bright's disease, a thing he seemed to claim, but the legs are not swelled; that does not prove he has not Bright's disease, but proves one of the

symptoms is lacking ; I find a state of the skin which may be a symptom of diabetes, and I would suggest that a test be allowed just as Dr. Wey requested it at one time, with a view to finding that out ; you see the examination was a very cursory one, to test the fact whether his legs were or were not swollen ; the state of the skin all over the body is such that it may be attributable to urinary trouble, not Bright's disease, but diabetes ; I suggest a test of the urine be allowed before I leave ; I could easily get a sample, and I could make such examination.

Q. Did you examine him in reference to that complaint in the back ? A. No, sir, that would be a matter of no great importance, apart from the other and more important examination of the urine.

Q. How as to rheumatic pains ? A. It would have to be taken on trust unless there was muscular rheumatism ; there is no distortion of the limbs in any way ; I did not examine the back, of course.

Q. Did you examine the sore on the back of the neck ? A. It seems to be a boil ; carbuncle on the back of the neck, sometime since discharged, which seems to be all of a part with his general skin disease ; this may be a disease by itself, and yet be a symptom of possibly urinary trouble.

Q. What, in your judgment, is the general physical condition of the prisoner as to his capacity for work ? A. If, as he says, he is but fifteen, I should say his physique is a very good one ; it strikes me that for that age he is a strong, healthy boy, but, of course, a boy still ; under the circumstances I refrain from saying what the prisoner admitted to one of the committee and myself with reference to the matter.

Q. Judging from his appearance is he, in your opinion, able to carry the weight of sixty pounds, which he says he must carry in the foundry, and carry it in the way he carries it, by holding his arms extended ? A. That is one of those questions with which alleged experts are frequently peppered, and you get any number of answers to the same question : I should say from what I know of the foundry work that the carrying of one of those ladles, which is a peculiarly awkward transaction ; if the ladel contains approximately sixty pounds of molten iron, that that was a severe task for a boy of his age to do, to go any distance, but that is a matter of speculation ; I should want to see the thing done by him, and how many times, in order to give a fair answer.

Q. It would depend somewhat on the apparent effort he would put forth ? A. Yes, sir.

By Mr. FARRAR :

Q. In carrying this ladel his arms are spread ? A. Yes, sir.

Q. You carry it straight down there in that way ? A. Yes, sir ; one hand raised much higher than the other.

Q. It is not as hard as if a man holds it out at arms length ? A. No, sir ; they generally carry it full ; if you don't the iron is liable

to get cold and too cold, and if you pour it that way the article won't be the way it ought to be.

By Mr. KEYES :

Q. Isn't it the fact that most of the boys carry their ladles only about half full? A. Well, I can tell you one small man that carries it as full as any, the smallest man in the foundry; this man must carry it; a good many of them carry it three-fourths full, but this man must carry it full, because the iron would get cold; a very few carry it half full; none.

Q. Suppose you stated to the foreman of your gang that you couldn't carry it more than half full, would there be any objection to your doing so? A. No, sir.

*Dr. Krackowizer:*

By Mr. KEYES :

Q. You had conversation with the young man here this morning? A. Yes, sir, this morning.

Q. Did he make any statements with reference to a certain habit to which he is addicted? Q. Yes, sir; he claimed he suffered from trouble in voiding his urine, saying it hurt him and he had to make it frequently; I questioned him as to his abuse, and he admitted it, saying a man might as well make himself insane by it as to do anything else.

By Mr. FARRAR :

Q. On that theory would it account for the pains in his back? A. Yes, sir, it would account for the pains in his back; yes, sir, it would account for the pains in the back and trouble with urinary organs, more or less.

*William Willis, sworn and examined :*

By the CHAIRMAN :

Q. You are an inmate of the reformatory? A. Yes, sir.

Q. How long have you been confined there? A. I have been there three years and four months.

Q. You were sent from New York? A. Yes, sir.

Q. Have you ever been in prison before for any offense? A. No, sir.

Q. How old are you? A. I am nineteen years old, and going on twenty.

Q. When you came to Elmira, you were put in the second grade? A. Yes, sir.

Q. Have you remained in the second grade ever since? A. I have not; I have been in the third grade three times, off and on.

Q. What grade are you in now? A. In the second grade.

Q. Have you ever been in the first grade? A. No, sir.

Q. What work was assigned to you when you first came to Elmira? A. I was put in what he called the Empire Brush Works, and put in the finishing room; I was sick at the time; I was sick coming up in the cars; I told the head keeper, and he didn't pay no attention to it; I found out afterwards it wasn't his right to; well, I got out of there after three days, and was put to drawing brushes, and I was in there for about on to twenty months, and I found the work was too hard for me, because I had to stand up, and the work was very quick work; had to do a task of seven thousand, and a man had to keep busy all the time, and if he loafed one minute he would get marked; if he stepped from his desk, there was some rules that wasn't laid down; as I say, I saw the work was too hard for me standing up on my feet, and I asked Mr. Brockway to change me and he put me on paint brushes, and I was on there two or three months; and from there I got changed off on paint brushes, and I was here four months, when I got put in the third grade.

Q. What was the occasion? A. I didn't get a nine; they gave me notice that if I didn't get a nine for April, I would lose my place.

Q. What is getting a nine? A. Three marks for conduct, three for labor, and three for school.

Q. Had you at any time gained a nine previous to that? A. No, sir.

Q. Never had? A. No, sir.

Q. You had been there three months? A. Over three months, but then the rule at least wasn't that a man should get a nine, only in six months, and it is only within about a year this new rule has been up, perhaps a little over.

Q. At the end of what period was it, you were sent to the third grade? A. At the end of four months.

Q. Put in the third grade and kept at the same work? A. Yes, sir — wait till I tell you; when I was in the third grade, I have to work just as hard as ever I could to get out; I did more than any man in the shop, and I got a nine that month.

Q. That restored you to the second grade? A. Yes, sir.

Q. Have you remained in the second grade ever since? A. No, sir.

Q. How many times have you been in the third grade? A. Three times.

Q. When were you released from the third grade last? A. July 3, 1880.

Q. Do you have any difficulty in performing the work assigned you? A. No, sir, never had any difficulty, only I didn't understand the place and all the by-laws, and a great many things, customs; if a man don't accustom himself to them, why, you will get astray, and, of course, he will lose his marks; a man must settle down as soon as he gets in, and a man can't do it.

Q. What is your work now? A. Rubbing down uppers of boots.

Q. Is the work severe? A. I cannot say that; the hours are not severe.

Q. Do you find any serious difficulty in performing the work?  
A. No, sir, but serious difficulty in working under the diet.

Q. Please give us an account of the diet? A. Monday morning we get hash and coffee and bread; there was a rule put around on a slip of paper that he couldn't have more than two pieces, wasn't to have any more than he could eat at that meal; well, men got marked for it if they didn't abide by it; for dinner we would get meat.

Q. Take a week? A. Tuesday —

Q. Take dinner Monday? A. Meat, coffee and bread.

Q. What kind? A. Sometimes, when visitors come around a man gets pretty good meat.

Q. Was it salt meat? A. Well, here then — a year ago it was, but this last year it has changed; then, off and on there would be salt meat.

Q. Does that happen often? A. Well, yes, it does; the meat is poor, it isn't worth eating; if I had to live on it outside, I wouldn't throw it to a dog,

Q. What is it? A. Beef.

Q. Salt beef? A. Yes, sir.

Q. Do you say then, the meat generally is too salty too be eaten?  
A. Yes, sir, decidedly so too.

Q. Now you stated the fare Monday morning, what for supper Monday? A. Well, molasses; every other night during the week we have molasses and oat meal, that is off and on, alternate.

Q. What do you have on the alternate nights? A. Mush once in a while and oat meal.

Q. On the other night? A. Molasses and bread.

Q. They alternate? A. Yes, sir; on the third night they give us rice but that is only lately.

Mr. BROCKWAY:

Q. Have tea? A. I am not a very great tea drinker or coffee drinker.

Q. You don't care for tea or coffee? A. No, sir.

Q. Prefer water? A. Usually.

Q. Tuesday, what is it? A. It varies; it is soup for dinner — in the morning it is, you can't say it is hash, it's merely a lot of potatoes all curdled up, and not fit to eat unless a man has got to eat it because he has got to work.

Q. Potatoes and meat mornings? A. Meat don't appear in it only once a week, and sometimes not that.

Q. You spoke of a hash without meat? A. Yes, sir.

Q. What are the ingredients of it? A. Once in a while there is turnips, and now and then you will see a bit of carrot; Tuesday the soup is composed of bread and rice and some other light stuff, but it is worse than dish water; it isn't fit to put in a man's stomach;

then for Wednesday it is codfish hash in the morning, but it smelled so here lately that they have done away with that; and then for dinner it was salt meat and onions once in a while; as the year comes around there is carrots and some gravy in it, then Thursday morning it is pretty good, that is, it is, the hash is pretty good.

Q. Good, how? A. There is onions in it and once in a while peppered, take it all in all it isn't fit for a man to eat; it is just thrown right in, meat in it, but very little, and it isn't half enough, don't get half enough for each man; there is certain allowance for a man.

Q. Can't they have more if a man calls for it? A. Sometimes he won't get it.

Q. Don't they generally give you more? A. No, sir, it is only exceptions.

Q. Thursday, what more? A. Dinner—let's see, here only lately we have got peas and meat, and but there was a short space of time before this we only got meat and gravy and onions; I don't know the reason of that exactly; I can infer my reasons.

Q. What reasons? A. You know there is a great deal of hearsay around amongst us, and I have laid it to the economy practiced by the men supervising these State Prisons; there is Superintendent Pillsbury; they are writing in the paper about how he is economizing; I think he is, and I think to the detriment of the convicts.

Q. You think prison authorities are speculating in prison contracts to the detriment of convicts? A. Yes, sir.

Q. That is a matter of hearsay; A. It is a matter of verifiable fact, every day.

Q. The grounds for your thinking so are not alone that you have heard it as a matter of report, but that the food supply is inferior in quality and insufficient in quantity? A. Yes, sir; a man cannot live up to all the regulations they lay down.

Q. Friday what do you have? A. It is potatoes in the morning and I wouldn't eat it unless I had to.

Q. How are they cooked? A. Boiled, all the food is cooked that way; they make a difference in the first grade, I suppose.

Q. Potatoes for breakfast in the morning? A. Yes, sir, and at dinner there is soup.

Q. Always have bread? A. Certainly; this soup, you might as well pour a lot of water in, you take some cold water and barley and something like that to drink out in the field; the farmers have it, it is just like that only it is warmed up; if a man has to work in the brush shop ten hours, you couldn't do it standing up without suffering from it, and lots of men go to the hall every morning to see the doctors.

Q. Any meat Friday, or fish? A. No, sir, none whatever.

Q. Saturday? A. Well, Saturday it is just the same way in the morning, hash the same way; it is a regulated, running right through day after day routine.

Q. And what do you have for dinner Saturday? A. Get some



fresh meat, roast beef; but then here is an exception, when the managers come around every three months we get a piece of meat, get two pieces about as big as our hand.

Q. On Sunday? A. On Sunday it is soup just the same way, and in the morning hash; you see how it is yourself, the food isn't fit to eat.

Q. How is the coffee made, is it genuine coffee? A. No, sir, it is either chickory or crusts of brown bread.

Q. Has it anything of the genuine coffee taste? A. Slightly, but I wouldn't drink it for it clogs my brain; I would rather drink water.

Q. Do the prisoners drink it? A. Yes, sir, they drink that because of the food, but I don't see how they use it.

Q. Have sugar? A. No, sir, no sugar.

Q. Molasses? A. Yes, sir.

Q. Sweetened with that? A. They generally do.

Q. What kind of molasses is it? A. The second grade men eat in their cells.

Q. Is a cup of molasses brought in with their food? A. No, have a little can of molasses or jar, we get that twice a month; at regular intervals we get that, twice a month, salt and molasses, it is very poor molasses.

Q. Is it syrup or West India molasses? A. I don't know.

Mr. BROCKWAY — I pay thirty-five cents.

Witness — That molasses business don't amount to anything; some men kind of like it because they have sweet teeth.

Q. Have you been troubled with indigestion? A. Yes, sir, I am troubled with indigestion and dyspepsia every day; gentlemen, all I wish, as far as my statement goes, I wish to have justice, and nothing but justice, and I am sorry I didn't bring my book to show you I have been imposed upon by thinking I would bow right down to them, which I have done, hoping I would get out; the reason of it is they have everything arranged in such a system that if a man violates one rule, that is put right down, and he is liable to be marked any how, if they think fit.

Q. Suppose you get three for conduct and three for school, but fail in labor, how do you stand then; are there three for labor and conduct and school? A. Yes, sir.

Q. Would the three for labor be deducted from the six for school and conduct? A. Yes, sir, it is in the book, that three marks of misconduct you are canceled three marks of good.

Q. Then it stands in this way, if you get three for school and three for conduct and a deficiency in labor, then you stand six? A. Yes, sir.

Q. It does not cancel either of the three for school or conduct, but is deducted from the nine, you mean? A. Yes, sir.

Q. Where has been your trouble, in school, conduct, or labor? A. I will tell you my trouble, when I was put in the third grade,

or just before, about four months after they had first grade men standing up on the stand to mark men, and one Sunday Mr Brockway came around and said to me, I spoke to him first, I told him I wasn't going to stand that marking, and he said you will have just who I put over you; I told him I wouldn't, and from that day to this I have had a hard time of it; it has always been by my utmost and hard exertions that I have gained whatever I have.

Q. Have you ever been punished? A. I cannot say I have, for I haven't done any thing to be punished for.

Q. Have you ever been in the solitary or dark cell? A. No, sir.

Q. Or chained to your cell? A. No, sir.

Q. Or hands tied up? A. No, sir; see here, when I was put in the third grade, after I got out there, why I knew I couldn't stand under those men and have them marking me all the time, playing me for a regular chunk, those men that stand upon the stage successively, first grade men, they were authorized to mark men for every thing they done, no matter what it was, and submit it to Mr. Brockway's discretion that he might look over it, and if he saw fit to mark a man he would mark him, and the plans were all laid, that where there is one batch of men comes in, there is one batch goes in the third grade, and that's the way it works till lately, they are coming right up to time now; there was a first grade man marked me, and he told Mr. Brockway I wanted to hit him and bring him off from the stand, and so Mr. Brockway put that right down in his mind; he set them up against me, that is one of the things that are hidden, that leads men on to convictions of how he is going to lay it on to him; when I got out of the second grade he put me on sergeant, this was the second time I was in the third grade, he took me out and put me sergeant, and one Sunday a man wanted to get ahead of me, and I wouldn't leave him; that man punched me and I punched him back, and there was a great muss about it, and this man got put in the solitary, he didn't say the truth, make a full statement of the facts, and I got put off sergeantship; it don't amount to much, only it shows a man don't always get a fair chance and they don't deal rightly with him.

Q. They don't, you think, look into the full facts of the case? A. I think so, it wasn't a very great position, I don't crave for it; it is regarded a little higher to rise a man.

Q. Have you seen any cases of punishment among the prisoners? A. In my own case, the last time I was working in the third grade I was working on paint brushes; one Saturday afternoon I refused to work, because there was no work on paint brushes; Vanwort, a first grade man, was on the stand, he says, "why ain't you to work?" said I, "I haven't any thing to do;" he let that pass and about two minutes afterward, didn't give me time to breathe, he said, "why ain't you at work?" and I spoke up, I flew right in a passion and he went and told Mr. Webster about it, and he come down; he said, "you come up here," that's the man he sent down, I told him I wouldn't, because I didn't think I was authorized to



do so ; it was a very trifling thing, and he sent over for Mr. Beach ; when Mr. Beach came over, I was sitting cleaning brushes, and they put me on something else, which was right enough ; he came along and struck me right as hard as he could, and knocked me flat on the floor ; Webster came with him ; if I had retaliated in the least, I would have been put in the solitary, and as it was I got put in the solitary and I got strung up ; Mr. Brockway came over and said, "you think you deserve this," he said, "inasmuch as you obeyed you disobeyed," I said "you ought not to struck me," he said, "you didn't get on your coat," I said, "I didn't do any thing wrong, you could have marked me for it all that was proper," he struck me and I did not retaliate one bit ; they strung me up for an hour ; that wasn't any thing at all ; that night I slept on a bare floor with only a tick without any straw in it, no straw in it that you could talk about ; I sat right up on the bed, I rolled it up and set there all night and caught a cold in my head, and I wouldn't sleep on it ; after I got out of there I got brought over then on Monday morning to work ; well, that was all right enough, but when I came to get my book, there was idle and disorderly, and I got marked in every thing that month, ; there wasn't one thing good, and wasn't one thing I didn't get marked for ; I tolerated all this, I didn't go to court even, and next month they took me off from that and put me on drawing brushes, and when I was doing that I got a nine ; that month they excused three offenses of marking, they will discriminate and take out this and that, this marking lately, I have four nines and I got late for school, and that knocked me in the head for the first grade, and I went before them and told them how it was, that I couldn't keep up with the class ; he said, he spoke to the board, and I did speak to him, he said, "I guess you can keep up, we will try you any how, try it another month ;" I did and I got marked ; I know I cannot keep up as mother told me yesterday, she said I was rather a slow coach, but a sure coach ; I have got marked successively over four months, and this month, if I don't get a nine for this month, I will lose my grade ; it isn't all on my account that I don't get a nine, I know.

Q. On account of trouble at the time Mr. Beach knocked you down, are you talking now with entire freedom of restraint on account of the presence of Mr. Brockway ? A. I will tell you, there is none of us here but are a little restrained, I am at least, I can't help but be where he has such power and insight into all kinds of prison life ; there is no use in me trying to law over him, because he has more scope than I have, because he can pick out minute things he can bring against me, and sweep me off from the deck.

Q. Do you desire Mr. Brockway to retire ? A. Yes, sir, I do. [On suggestion of the chairman, Mr. Brockway retires.] I have been in that institution forty months and I know I haven't got justice taking school, labor, and conduct is such that a man can't live up to their agreements unless he works himself so that at the time he gets out he will not be fit for decent society till he recuperates.

Q. Is there any thing you desire to say which you were restrained from saying on account of Mr. Brockway's presence, any thing you are holding back on account of his presence? A. I know this much, that they have imposed upon my suffering; every thing to come over my head under hopes of getting out, they have got first grade men there in the shop to mark every man that does any thing wrong against the rules; that isn't right to begin with.

[Mr. Brockway's brother also leaves the room at the suggestion of the prisoner.]

Q. What is there you wish to say, that you didn't care to say in the presence of Mr. Brockway? A. You see when a man comes in here he isn't told all the rules, I wasn't told them all.

Q. Are the printed rules posted up? A. No, sir.

Q. Prisoners don't have a copy? A. No, sir, I have always put before Mr. Brockway, that in one way and another.

By Mr. KELLEY :

Q. How were your marks for work? A. In the brush shop they had a tutor or instructor over us and he was paid so much that he never came around to instruct a man thoroughly, but just give him a very insight into it, and let him paddle along, and if he didn't do his task he got marked.

Q. When was it you worked a month and did so well? A. I was the best.

Q. If you lost a mark that month for school would you go back? A. Yes, sir.

By Mr. KEYES :

Q. Did you see the struggle that took place between Keeper Beach and Tibbetts? A. No, sir; I did see part of it.

Q. Can you give the name of any prisoner standing near by who saw the whole contest? A. There was a whole crowd of men.

Q. What prisoner stood in the immediate proximity to Tibbetts and Beach? A. Swartout.

Q. He was near by? A. Yes, sir.

Q. How near Tibbetts was he? A. Couldn't say exactly; Tibbetts came down with a club from the upper end of the shop, was going to hit Torber; he is out now, he provoked Tibbetts at the table and Tibbetts got hold of a club and came up behind him and was going to strike him, at any rate Torber was quick on his feet and got out of his way, and a first grade man on the stand, he came down and got the club out of his hand, and then another officer, Webster, he came down and helped in the affray, and got him by the neck.

Q. He saw the struggle between Tibbetts and Beach? A. No, sir.

Q. I want to find out who saw the struggle in the yard between Beach and Tibbetts? A. I don't know any thing about that.

Q. Were you in line? A. Yes, sir.

Q. See any thing going on? A. Yes, sir, I know Tibbetts got illy used by Beach.

Q. What prisoner stood in the immediate vicinity of Tibbetts and Beach during that struggle? A. I don't know any thing about that.

Q. Did any one assist in parting them, in subduing Tibbetts? A. I guess they did.

Q. Have you heard any prisoner talk about that? A. I have.

Q. Heard any prisoner say he was standing near by and saw it? A. Yes, sir.

Q. What ones? A. I don't remember now.

Q. Any thing you want to state that you did not desire to state when Mr. Brockway was here, state it now? A. I will leave it to your common sense whether you think that prisoners when they come into the institution ought to be put over others as sergeants or keepers; they have men posted all around; if a man does any thing out of the way, talks, in school or anywhere, he is going to get marked; they bring him in to Mr. Beach, and he brings them into the office, and there three or four first grade men copy it down, then put it on file.

Q. Your complaint is that your advancement, your getting ahead is being put back, and is dependent on the good-will or ill-will of prisoners like yourself instead of the citizens? A. Yes, sir, that's just it; at the beginning I said, they are trying to economize in this respect; they don't put the full number of officers they ought to on duty, and they fill that quota by putting on prisoners.

By Mr. KELLEY:

Q. Do those prisoners be marked too? A. No, sir, they have a soft time of it.

Q. Do they lose time? A. No, sir.

Q. Do they have a book? A. Yes, sir, but they are pretty sure of getting their marks.

Q. You mentioned Swartout? A. He saw it.

Q. In the shop? A. Yes, sir.

Q. Did he see what took place in the yard? A. No, sir.

Q. Was Swartout's place anywhere near Tibbetts? A. No, sir; as soon as the muss commenced Swartout — every man was out of his line; they all got disordered.

Q. Every man has his regular place and number in the line? A. Yes, sir, according to the room he locks in.

By Mr. KELLEY:

Q. Did you ever work ten hours a day at the work you are doing now? A. Since this contract got up, I think on certain days every man all over the place works over eight hours.

Q. Did you ever work ten hours at shoes? A. No, sir.

Q. Brushes? A. Yes, sir.

Q. Do you do as much work in eight hours as you did in ten?

A. It is different work ; it is a regular trade, you know, it is better pay ; I would like to say one thing, I have been in the third grade three times, and certainly the first time I got put in there, I got put in really, because I didn't understand all the rules ; I was a new man, they had no written rules, and they haven't got any written rules now, only a few, three or four ; I couldn't be reasonably expected to live up to them, and get marks in the three-fold manner we have.

By Mr. FARRAR :

Q. Do you claim you are kept from getting your marks on account of unjust discrimination on the part of keepers and prisoners put over you? A. Yes, sir.

Q. Do you claim they show partiality? A. Yes, sir ; the prisoners are willing to demean themselves so low as to put other men down to elevate themselves to get out.

Q. Do you think in that institution there are men-keepers who allow their prejudices and passions to control them so far that they get down on a man, as 'tis said? A. Yes, sir, they do.

Q. In a case of that kind do you think it is general in that institution? A. It is done for his own interest in the institution, because Mr. Brockway takes men in there that don't know any thing at all ; you might as well say they haven't got a common school education ; they are willing for the wages they work for to do all the petty underhanded work.

Q. That works against the prisoners in the way of their getting marks? A. Yes, sir.

Q. Have you been troubled with cold? A. Yes, sir ; I have catarrh so bad I can hardly breathe.

Q. Have you ever consulted the doctor about it? A. No, sir ; I have not been to him once since I have been in the institution, but nothing serious, only for cold.

Q. Do you have any trouble with the rest of the prisoners in any way? A. No, sir.

Q. Do you keep yourself aloof from them? A. Yes, sir, keep by myself.

Q. Is that the cause of any of the acts of partiality? A. I think where a man comes in and he don't understand the place, and he is young, and if a man is inclined to keep by himself and not mix in with others, they will put upon him little things ; run upon him in the shop and elsewhere so he will get exasperated and one thing lead to another, and get the man so upset, he don't know what he is doing, will burst out and say something that will get a mark against him ; he cannot speak for himself ; he cannot say this is right or wrong ; if they say it is right, it is so, or wrong, as they say ; they don't live up to their standard ; they have men come there that have been common prisoners, and they know how to get along, and they know how to get out again ; the others they put

through a course of sprouts, and these men are so made up they cannot move or do any thing hardly on account of the system they have of marking; this marking underlies the whole thing; I cannot hardly bring it in form language that will make it very terse, there is a gross injustice.

Q. Do you claim there is an unjust discrimination? A. Yes, sir.

By Mr. KEYES:

Q. Has Mr. Brockway shown, during your stay in prison, any prejudice against you? A. Yes, sir; at the beginning I told him I wasn't going to stand the first grade men marking me; that was July, the first year I staid here; I told him I wouldn't stand their working it in and out and have them marking me when I was doing my level best, it will upset any man where he is kept within those walls; he cannot bring any thing up that will be interesting; he is not allowed to have every thing in the way he wants it, that is where it is right.

Q. Come back to the time you had the trouble in the shop when Beach knocked you down, you were spoken to and asked why you didn't go to work? A. Yes, sir.

Q. Was there other work proper for you to do at the time? A. No, sir.

Q. What was your work at that time? A. Making paint brushes.

Q. Well, now, was there no material on your bench to be worked up at that time? A. No, sir.

Q. Whose duty was it to furnish you material? A. A man named Bennett, it was his place.

Q. He neglected to supply your bench? A. Yes, sir.

Q. Under the rules of that shop was there not some other work to which it was your duty to apply yourself in the absence of material? A. I couldn't when I didn't have it to do.

Q. Was there any work you could have turned your hands to? A. No, sir.

Q. Who was the overseer? A. Van Wort, first grade, he is over me now.

Q. He spoke and said, why don't you go to work? A. Yes, sir.

Q. Did he stand where he could see your bench, and see there was no material there? A. Yes, sir.

Q. He knew there was none there? A. Yes, sir.

Q. Did you answer him respectfully? A. Yes, sir, I answered him respectfully twice, and the third time he put it in such a way I wouldn't stand it, and I flew up in a passion.

Q. Have you had any trouble with Van Wort before? A. No, sir.

Q. On the third answer he went and reported you to Mr. Beach? A. Yes, sir.

Q. Overseers are prisoners or citizens? A. They are prisoners.

Q. Van Wort is a prisoner? A. Yes, sir.

Q. Beach came? A. Come, and knocked me down; he struck me right in the temple and I felt it for a week afterward.

Q. Did you have any words with Beach when he came up to you? A. No, I didn't have much words with him; he said, get on your coat; I said, tell me what for; he said, because I tell you to.

Q. Has any officer in the prison complained of you because you refused to associate with other prisoners? A. No, sir.

Q. Anything said to you about that? A. Yes, sir.

Q. Not in the way of complaint, but in the way of suggestion? A. Yes, sir.

Q. Who by? A. Mr. Webster and Mr. Beach.

Q. Mr. Hugh Brockway? A. Not that I know of; he might have.

Q. Did you have an interview with your mother in the presence of Hugh Brockway? A. Yes, sir.

Q. State the substance of that interview, you were sent for and came to the office? A. Yes, sir.

Q. Under the rules of the prison, are prisoners limited in time of their interviews? A. I don't think they are.

Q. Had your mother visited you before there? A. Once.

Q. How long did she stay then? A. Over half a day.

Q. For how long did you see her, how long were you in her presence the other time? A. Pretty nearly half a day.

Q. With her all the time? A. Yes, sir.

Q. Was anything said when you came into the office by Mr. Brockway, as to the length of time you could have to see her? A. No, sir.

Q. Are you required in such interviews to speak in a loud tone of voice so persons present can hear what you say? A. He said so.

Q. Did you converse with your mother in a low tone so he could not hear? A. Yes, sir.

Q. Did he make any remark? A. He said it was against the rules; he said if I wanted it otherwise to go to the superintendent.

Q. What did you say to that? A. I did not make any answer at all.

Q. Did Brockway say any thing then as to your habit of refusing to associate with prisoners? A. Well, yes, slightly.

Q. How did it come up? A. He said men that kept by themselves, they didn't amount to much, it wasn't a very good sign.

Q. What did you say to that? A. I told him I didn't think so in every respect.

Q. Did you tell him how you felt about it, your views? A. Yes, sir; I don't recall just what I said, but I told him I thought a man could keep by himself if he wanted to, as long as he knew he was right and didn't trouble anybody else.

Q. Did Mr. Brockway have any conversation with your mother—Hugh Brockway—yesterday, in the office? A. Yes, sir.



Q. State the conversation? A. I don't know the conversation; mother can tell that.

Q. You didn't hear that? A. No, sir.

Q. Not in your presence? A. No, sir.

Q. How long were you with your mother yesterday? A. I come in about nine o'clock, and at ten o'clock or thereabouts he said that he had got to go off on the train, and I told him I didn't think that was right; he said go in to Mr. Brockway; I told mother to go in; he said I will let you have a little while longer, ten minutes; when ten minutes was up, I had to go off the floor for a private matter, and I came back again, just after six.

Q. You came back before your mother left? A. He said my mother was not to stay any longer, and she went down past the cage and Hugh Brockway told Mr. Brockway all about it, I suppose, so she came back, told the keeper, to go and tell the superintendent I wanted her to stay longer, and I think she had a right to do so; he wanted to usher her right out.

Q. Is that all? A. He showed a little passion; it only shows how the thing is worked, secretly, secret understanding about this, and I saw a paper in mother's pocket, and he said I wasn't allowed to read any papers, and something else he said; he jumped up and said, if you don't stop that I will send you right down to your room; I set there as mute as Moses; several times he wanted to interrupt me; he said if you have any conversation to say, speak it out so I can hear it; I said I guess I can speak just the way I am a mind to; he said, I must hear every word you say, it is the rules.

By Mr. FARRAR:

Q. You work eight hours a day? A. Yes, sir.

Q. How long after you quit work before you go into your school-room? A. I think it was seven o'clock we come up.

Q. Quit at what hour? A. About five.

Q. Then have supper? A. Yes, sir.

Q. Then go to the school room? A. Not right away.

Q. How long were you up there? A. About an hour and a half.

Q. Do you get tired during the day with this work? A. I can not say I get very tired with the work now.

Q. Have you ever heard complaints among the prisoners that they could not study for the reason that they were so tired when night came? A. Yes, sir.

Q. And how is that in your case? A. It has been, but of course I can overcome that, because I have taken a liking to any thing intellectual.

Q. What was you sent here for? A. Grand larceny; I have another point here, perhaps two or three more, the second time I was put in the third grade; I was put in for trying to escape; I had two hundred and seven marks, and one hundred and fifty-three were added to them for that offense; didn't amount to any thing at all.

Q. How did you try? A. To get over the wall; I couldn't stand the work over that bench; to stand up all day on the food we got, and then go up in the school and tax my memory to pass a good examination; it was past my ability; they added so much marks to what I had; I don't think that is fair; the system they got up, if I don't get in the first grade I can't get out; that's the plea, and further providing I do get in the first grade, there is chances they can work it so I will have to stay just as long as they are a mind to keep me; it is all arranged between Brockway and a board of managers; I went to the board the last time they met, and I stated about this same thing; I told them I thought I ought to have a better chance to work; I stated about the same thing; I had chills and fever, and didn't like in-doors work; I could get along better out; I can get along in anything I put my hands to; Mr. Brockway, he is the organ of speech; he said, if you get a nine for the next month I will cancel what you have lost, and will put you in the first grade; I let it go by, and right after this, when I got my book, I saw they marked me full, every thing; I had over thirty offenses for talking and two marks for labor, and school, one mark; I only got four; I also wrote again, and sent up to the office, and told them I thought I ought to get some of the marks back, and I went down to court and did get some back on conduct, and so they gave me a five; also I had an interview with Mr. Brockway, and I told him I thought I ought to have a chance to get out and a better position to work; I wasn't fully capable of getting along under cover; the windows were closed all day, and the air is terrible for a man to breathe, working all day and coming up at night in school, to put your mind on a certain amount of knowledge to be brought in examination and questions answered, why, it's more than a man can do, really; he may gain some points, but if he didn't pass the examination he loses a mark; if he gets an examination all right, and they *think* he is wrong, they will mark him; the teachers can play their game too.

Q. Have you any thing else to say in order to give us your whole case; how long was you there when you tried to escape? A. About ten months, perhaps more; I would like to say one thing more with regard to this work. I have been there long enough to know that a man can't always get along to suit them, unless he is a good workman, which I am, but I know heretofore, I know I can't get in the first grade under the work I am at; I must have easier work, because I tax my brain too much; I have great concentration, and notwithstanding all that, I can not stand all these things; air and work, because it is beyond my power; I have chills and fever and catarrh in my head.

Q. Do you have a chill every day? A. Pretty near every day.

Q. Have a chill yesterday? A. Yes, sir, felt awful sick yesterday.

Q. Had one to-day? A. No, sir.

Q. Chills succeeded by fever? A. Yes, sir.



Q. And sweating and perspiration? A. Yes, sir.

Q. You work every day? A. I work whether I am sick or not, and they don't give me credit for it.

Q. Do you have any medical treatment? A. No, sir.

Q. Have you applied to the doctor? A. No, sir.

Q. Why don't you apply? A. I think that doctor is a quack.

Q. Don't like to take his medicine? A. No, sir.

Q. Ever been under his treatment? A. No, sir, and I don't want to be under it neither; I think they go to work and give men medicine there—they don't do it now, but they did do it to men—let that go; I think this much that there ought to be written rules for every man in the place on every thing they are going to mark a man, on no matter what it is.

*William Weaver*, sworn :

By the CHAIRMAN :

Q. You reside in Elmira? A. I work here, but don't reside here.

Q. Don't reside here? A. No, sir.

Q. You are at work here at present? A. Yes, sir.

Q. Where is your home? A. At Havana.

Q. What is your occupation here? A. Moulder.

Q. Ever been connected with the Elmira State Reformatory in any way? A. Yes, sir.

Q. In what capacity? A. Sort of foreman.

Q. In the foundry? A. Yes, sir.

Q. As agent of the contractor? A. No, sir; it was during the time that it was carried on as a State institution.

Q. You were employed by the State? A. Yes, sir.

Q. How long a time were you so employed? A. Commenced in November and staid till the next June.

Q. What year? A. Part of 1881 and part of 1882.

Q. During the time of your connection with the Reformatory, did you know of acts of violence or cruelty or punishment towards prisoners to come under your observation? A. Never saw any thing I thought was out of the way in the management of the concern, so far as that was concerned.

Q. Did you ever have any occasion to think that the prisoners were unduly overworked? A. No, sir; there might have been a case once in a while where a man was unwell, and, as a general thing, as soon as it was found out it was remedied.

Q. Ever seen a prisoner treated with any violence? A. I know one man they had tied up in the cell, as soon as he submitted and said he would do what he was bid to do he was released.

Q. Was Tibbetts in the Reformatory at the time you was there? A. I don't know; I was only acquainted in the foundry, and a good many of them I didn't know.

Q. Who was the principal keeper? A. When I first went there a man by the name of Doane, and then Mr. Middaugh.

Q. What do you say as to Mr. Middaugh's temper and bearing generally toward prisoners? A. I can not say that I ever saw any thing out of the way; he was a straightforward man, I guess, very exact.

Q. How as to temper? A. I never saw any thing wrong with it.

Q. What was the hours of labor in the prison? A. Ten hours at that time

Q. Were the same tasks required of all the prisoners in the foundry department? A. Well, yes; they had a chance in the starting off; they had a chance to learn for a short time, they wouldn't pass at all until they had some knowledge of it.

Q. When they first came, a light task was put upon them till they could do the work? A. Yes, sir, no task at all.

Q. The tasks increased as they learned to work? A. Yes, sir.

Q. Do you know about the system of marking practiced in the prison then? A. I know something about it.

Q. They were graded according to the marks they received? A. Yes, sir.

Q. Of conduct, labor and school? A. Yes, sir.

Q. The same as now? A. I don't know how it is now; that is the way it was then.

Q. You could not judge whether they were just or not? A. In most cases I judged they were just, and very often the marks were given back; I always thought the superintendent meant to do justice, if he found a man wrongly marked.

Q. Was Brockway superintendent during all the time you was there? A. Yes, sir.

Q. Did you ever see in Mr. Brockway any exhibition of prejudice, or violent feeling or conduct unkind toward the prisoners? A. No, sir.

Q. Did you see him every day? A. No, sir; I thought he was a man of a good deal of forbearance, a good deal of leniency; trying to get their marks and get out, sustain them in their effort to get away.

Q. How as to Mr. Beach, his character as keeper? A. I thought it was good; he was a big, powerful man, and of course if anybody abused him, he would probably resent it; I have heard him give them advice and tell them if they got their marks he would help them; I know some prisoners have been reported to him and he paid no attention to it.

Q. While you were there were prisoners put over other prisoners? A. Not in the foundry.

Q. Were they in other departments? A. I don't know.

By Mr. FARRAR:

Q. Ever see any keepers strike prisoners? A. Never did.

Q. Or with club or cane? A. I did see Mr. Beach one time, had a fellow by the name of Welch who was sent to Auburn; they had quite a little time, but I thought it was justice.

Q. That Beach was justified in striking him? A. Yes, sir; it was all the way for him to have done; it was who should rule or who should not; he bid defiance and one or the other had to be victorious.

By Mr. KEYES:

Q. Did you know Mr. Trickey, formerly an overseer? A. No, sir.

*David Henry Risby*, sworn:

By the CHAIRMAN:

Q. You are an inmate of the Elmira State Reformatory? A. Yes, sir.

Q. What is your age? A. Twenty-five.

Q. Where did you reside before you came to Elmira? A. New York city.

Q. Sent from there here? A. Yes, sir.

Q. For what offense? A. For grand larceny.

Q. First offense? A. Yes, sir.

Mr. BROCKWAY — This is the prisoner of whom it is said when he was re-arrested he shot himself, and it was claimed, he said he'd rather kill himself than be brought back to be treated by the brutal keepers.

Q. You were out of the Reformatory on parole? A. Yes, sir.

Q. How long were you here before you were paroled? A. Thirteen months.

Q. Left the first grade? A. Yes, sir.

Q. Then paroled and went to New York?, A. Yes, sir.

Q. Did you get employment? A. Yes, sir.

Q. What did you do? A. Working for a milk company, had one of their routs in charge.

Q. While there were you arrested again? A. No, sir; not while I was in their employ, I lost the employment.

Q. They discharged you? A. No, sir; I left on my own accord.

Q. Were without employment? A. At the time of my arrest.

Q. You were re-arrested because you were not employed at anything? A. No, sir; re-arrested because I was dissipated.

Q. That was the reason of your being arrested and brought back? A. Yes, sir.

Q. Will you state to the committee the facts and circumstances connected with your re-arrest? A. After I left my employment over a year, it was through drink I left the employment; I could not go out nights and work, too, so I got drinking rather hard; and I was told of it continually by my people who are respectable, that I was disgracing them again, as well as myself, and in all probability I would be returned to the Reformatory, which I was actually expecting every day; I had said, and made the statement, I would

never go back to the Reformatory alive; not through any abuse I received here, or ill-treatment, but my dread of prison life; I was re-arrested, and at the time of my arrest I was partly under the influence of liquor, but I knew what I was about, and when I was arrested, I was arrested by the patrolman of the police force who was acquainted with me; he said Captain Davis wanted to see me, and of course I knew Brockway wanted to see me, too; I went around to the station-house, and as I entered the station-house, he went around behind the desk and Sergeant Mullin; and as he went around I drew the revolver and fired and missed myself.

Q. You had a revolver? A. Yes, sir.

Q. In the habit of carrying one? A. No, sir, but occasionally.

Q. Had you carried it every day? A. No, sir; only occasionally nights; I had had it in my pocket for several days before that; I fired and missed myself; as I fired the sergeant sung out: "Dave, don't shoot yourself for God's sake;" I said don't come near me, and I jumped behind the stove and fired again, and hit myself in the lung, and the lead is in there yet.

Q. Did you say why you shot yourself at the time? A. Yes, sir; I said that sooner than lead the life I was then leading, I would prefer death.

Q. Did you make any remark as to the Reformatory at the time? A. Not a word.

Q. Nor thought at the time of the Reformatory, or fear the punishments you might suffer here? A. I had thoughts of my return, but no anxiety of my treatment when I returned; but the dread of prison life.

Q. During your stay were you subjected to any severity of treatment? A. No, sir; my record will show that.

Q. Were you kept at work? A. Yes, sir; worked eight months in the brush shop.

Q. Had no reason to complain of the keepers or authorities of the prison during that time? A. No, sir; I did my duty and they did theirs by me.

Q. You are now in the first grade? A. Yes, sir.

Q. Employed how? A. Librarian, and assist in correspondence for inmates, and write on the conduct book.

Q. Do convicts come to you with complaints with regard to the institution? A. No, sir; never.

Q. Would they make complaint to you, if they had them to make? A. No, sir.

Q. They understand you have no power to assist them in matters of that kind? A. Certainly.

By Mr. FARRER:

Q. You are eligible for parole? A. I suppose that is entirely with the managers.

By Mr. BROCKWAY—Eligible for parole the 26th of next June.

Q. When will your whole five years expire? A. September 14, 1884.

By Mr. LIVINGSTON:

Q. When was it you made the remark that you would never come back to the Reformatory alive? A. I made that remark in the institution.

Q. That is, if you got out, you would never come back alive? A. Never would come back to the institution. I would behave myself.

Q. Did you ever make that remark, you would never come back to the Reformatory alive? A. I don't think I did.

Q. I think you said so in the early part of your conversation? A. I think I did at the time I spoke of my parents. If I said so, I did.

Q. You have no recollection of saying it now? A. I disremembered it at that moment.

Q. You remember it now? A. I remember a certain party I said it to now.

Q. Did you see in any of the papers statements of that kind about your saying any thing about the brutality of the keepers? A. No, sir, the doctors prohibited me seeing any thing of the newspapers, and stated it aggravated my case.

Mr. KEYES—To Mr. Brockway—Can you give us the name of prisoners that witnessed the contest between Beach and Tibbetts in the yard? If so, I would like to see a couple of those, at least, and also St. Ledger and Revere; can you state what percentage of convicts discharged from the Reformatory go out as reformed men, reformed by the discipline of the institution? A. Eighty-four per cent.

Q. In other words, if one hundred prisoners are admitted here each year, and one hundred go out each year, you mean to say that eighty-four out of the one hundred go reformed and improved by the discipline of the institution? A. Yes, sir.

Q. I desire to ask you further, after a convict has been here as long as he would have been in State prison, if he had been sent to State prison instead of being sent here, after the prisoner has been here as long as he would have been in State prison, if he had been sentenced to State prison, does he after that evince a disposition to improve and to reform, or does he become discouraged and despondent, and cease his efforts for elevating his condition? A. The price of reformation as we use that term, the growth in self-control and progress in the schools, takes place earlier than the full time of his maximum term. We don't know how he will be sent to State prison.

Q. Several cases have come before us where prisoners say they were arrested and convicted for offenses committed jointly with accomplices, and the accomplices were sent to State prison for two

years; one was sent here and another to State prison. The convict sent here, after he has been here for a period as long as that for which his accomplice was sent to State prison, does he not then become discouraged, and cease his efforts to reform himself and advance his condition? Doesn't he labor under the impression, it is useless to try any further and that he is suffering unjustly, because he is kept longer than his accomplice? A. I observe no effect from that cause; there is in the mind of the criminal class, and almost always in the mind of those who come to us, that fallacious idea, that they are imprisoned to be punished retributively. There has been always a vast amount of dissatisfaction as to the adjustment of penalties by the courts under the law. That feeling of dissatisfaction would obtain so long as that sentiment remains, if the convict is sentenced to the Reformatory to be punished and he is punished for a longer time than his partner in crime, then he feels he is getting injustice, and on that basis, that he is sent here to be punished.

Q. Doesn't he then become restive and cease his efforts to advance his condition? A. If he makes efforts to advance his condition, he does not reach that period of detention; it is not discouragement; it comes in before that, or he would have been released by his progress under the system. I say to a man, it is possible for you to obtain your release in six months; it is possible, though it may be difficult for one who has those qualities of character that will not enable him to live at liberty with reasonable safety. As Judge Dexter said, a man that can't work his way out of the Reformatory on this system is not a suitable man to go out.

Q. In your judgment, is proper allowance made for difference of organization, and differences in capacity and previous training of convicts, in determining their fitness to be released? A. I think there is very proper allowance.

Q. Take that into account? A. Yes, sir; the disposition of the manager and superintendent, and all that, and if we err, to err on the side of leniency.

Q. Where the prisoner is kept longer than his partner or accomplice in crime would be kept in States prison, does not the longer duration of his punishment become in the nature of an extra penalty in the judgment of the convict? A. Sometimes, and sometimes not; I can show you from the conduct record, if you favor us, some, like the waves of the sea, have gone from one grade to the other for three years or more, then by this effort, feeble though it be, have gained so much of power that they have gone on into the first grade and to release; I can show you from the conduct book, where these fluctuations have continued two or three years, and finally he gained strength he did not possess before.

By Mr. KELLEY:

Q. It is not because it takes the two or three years to become acquainted with the duties? A. No, sir.

Q. If a prisoner says he cannot become acquainted with the rules?



A. My dear sir, they are familiar with the rules before ever I get through with them.

Q. Are there written or printed rules furnished to the convicts?

A. The general marking system is published; men are not marked technically for violation of those simple rules, and a labor task is a matter of record, and school is a matter of record, demeanor is a question for the teachers.

*Mrs. Alice Willis*, sworn :

By Mr. KEYS :

Q. You are the wife of Dr. Benjamin A. Willis, of New York?

A. Yes, sis.

Q. You reside in New York city? A. Yes, sir.

Q. You have a son an inmate of the Elmira State Reformatory?

A. Yes, sir.

Q. How many times have you visited him since he has been here? A. This is the second visit.

Q. When was the first time? A. It is one year, or sixteen or eighteen months ago, a year ago last fall, however.

Q. Second visit made yesterday? A. Yes, sir.

Q. You saw your son yesterday? A. Yes, sir; for a short time.

Q. How long? A. A short interview of about twenty-five minutes, then.

Q. State what occurred? A. There was—I attempted to talk to my child, and Mr. Brockway drew his chair very close to me; not the superintendent, his brother, I presume, drew his chair very close to me, and when I attempted to talk to him, says: “no whispering, no whispering; have nothing of that sort here; I must hear every word you say”; I said, very well, I came a long distance and I would like if for only five minutes, with my child, I would like it alone; “doesn’t make any difference what it is, I must hear it”; I hadn’t but little to say, however, because it put a damper over me after my journey that I felt quite sad; I then attempted to show him a picture of one of my brothers, and the keeper attempted to take it out of his hand and wouldn’t let him look at it; I took that all in good part, though Willie was a little excited; I attempted to show him a letter from his grand-father; he drew that away; he said “get up, none of this, none of this, none of this; I will have this stopped,” and I got right up; I was all of a tremble; he said “I am no child, I am no child, I am no baby”; said I, please allow me for a few moments, it is a letter from his grand-father, but of course I put those away, and then I talked a few minutes longer; he said I am very busy, and going away, and he looked at his watch, and said, “I can’t be here but fifteen minutes longer”; I said, I declare this is too hard; I have come three or four hundred miles and I would like to stay with my son, as the train does not leave till nine, I would like to stay the portion of the day

with my child ; " cannot allow it, cannot allow it " ; I said on a former occasion you allowed me to remain for at least four or five hours ; " didn't have it ; couldn't have it " ; Willie was feeling ill yesterday, had the chills, and he would shake and turn purple, and the skin would look queer, I asked the matter ; he said I am very sick, and I noticed he had the catarrh and that it smelt offensive ; I said have you not a handkerchief ; he said, an old rag ; I put my hand in my pocket as if to get one, and he immediately struck that and said " no, won't have none of that here " ; I said he needs it ; he said, " can't help it, can't help it " ; he told me, " mother I am working hard, and I don't get credit for what I do ; I think I am treated unjustly and that he would really like to have the matter looked into ; he said I am trying to get into the first grade and I cannot do it ; I am using all my power to do it ; he said the food is so bad, I eat so much grease, it is the cause of my skin looking so greasy ; I spoke of it ; he said, I can't help it, I must take what they give me ; however, I let the matter of the handkerchief rest ; I found he would not let me remain and rushed me out ; he said I only give you ten minutes longer ; I said, pardone me, but I am going to ask the superintendent, if I can't remain longer ; I came down and spoke to Mr. Brockway, and he very kindly treated me, and after deliberating upon it a moment he said, " yes you can go back and stay an hour " ; of course I returned and stayed an hour, but very reluctantly by the other gentlemen ; I finally found out you gentlemen were to be there and I said to Mr. Brockway, I understand the committee is going to be here ; he said, " I don't wish to hear any thing about it " ; I said, I wish to see them and lay this matter before them ; this boy's mind to me is becoming demented ; something weighing upon him ; there is something in the background I must ferret out ; he said, they cannot do him any good ; they can do no good whatever ; I cannot help it, I am going to try it if it breaks my bones ; I took a carriage and come down at the expense of five dollars and here I have remained, and I wish to state also that is the meaning of my coming ; I have received a telegram from my husband asking me to have it fully looked into before leaving Elmira, and asking if he cannot have less labor and treatment, more kind and doctor's medicine to cure the catarrh and chills which are two things that ought to be attended to, and to look into the matter of his mind, etc., before leaving, and I now present this before you ; he sort of rambles and stumbles over the words, and I can see he isn't the boy he was three years ago ; he don't collect himself ; I can detect in him a deficiency ; I presume you all can ; something is wrong, whether it is the fear of being repulsed, and all that kind of thing, I cannot tell, but it is evident and plain there is something wrong, brought about entirely in this institution.

Q. Whether he is suffering from a severe chill yesterday ? A. Yes, sir.

Q. Might not the peculiar manner of yesterday been attributable in part that he was under the effect of the chill ? A. May be so, I



don't know; he says he 'has them alternate; to-day pretty well and to-morrow have them again and then have the severe head-ache, and he always—; he had a fall a short time ago; we were thinking the matter over and found he had a fall from a nurse and struck the back part of his head, and since that time my physician tells me that it may grow upon him and may effect his brain eventually; I stated on my first visit to my doctor that he acted strangely, appeared to be absent-minded; in conversation he is quite brilliant at times; he said probably in looking back that it was the fall, and he thought it was the pressure on his mind; he is sensitive; the least look or action discourages him; he has been disobedient naturally; not having friends and no one to say a kind word, I attribute it to that; something ought to be done; I asked Mr. Brockway yesterday to give him out-door exercise and not have him continually in that shop; look at his hands, all grimed up with work; it looks as though he was dragging soot out of a chimney; I don't wish to say any thing only what is so, and don't wish to over-step; I feel very sad and serious in this matter; I leave it to your generosity to look into the matter and weigh it and do justice by my boy; if he stays the full term he certainly will not be fit for any thing, if he goes on at this rate.

By Mr. BROCKWAY:

Q. In what year was he born? A. It is blurred, and I cannot tell whether it is 1861 or 1862; it is in the Bible, but is is blurred.

Q. When was he sent to the juvenile asylum? A. It was at the latter part of his thirteenth or fourteenth year; he was there about a year; Mr. Carpenter was superintendent; he was sent to the asylum for playing truant.

Q. Playing hookey? A. It used to be called that.

Q. What did he do after he came out? A. He went to Mr. Sanborn's school.

Q. After he came out of that asylum he was between fourteen and fifteen years old? A. I take it he was in his sixteenth year.

Q. How long at Sanborn's school? A. Probably might be eight months.

Q. Did he live at home with you till he was arrested and sent here? A. Yes, sir; never was in any trouble — *never*; I presume you hear that distinctly.

By Mr. KELLEY:

Q. Did he come here after that eight months? A. He has been here three years and eight months; I was going to have him in a lawyer's office, and keep him out of the society of bad boys.

By Mr. KEYES:

Q. Have you had any correspondence with Mr. Brockway or any other officer? A. No officer excepting Mr. Brockway; I have at

times asked why my son didn't write me; I have written three or four letters per month, but he never received them; lately I have had them right along.

Q. For how long a period past? A. Well, it is at least a year.

Q. And you have written him how often? A. Four times a month, I average that.

Q. Have you understood that your son was allowed to receive letters as often as once a week? A. He can not receive and can not write but once a month.

Q. Have you preserved the letters received from your son? A. I have a great part of them.

Q. And letters you have received from Mr. Brockway? A. I have preserved those.

Q. Have you preserved copies of the letters written to Mr. Brockway? A. I have two or three of the copies, but not all of them; I could say in substance what they were.

Q. Your residence? A. 248 West 37th.

By Mr. KEYES:

Q. I learned from the superintendent, Mr. Brockway, that there is a condition of disquiet and disorder to-day, and that some thirty of the men have refused to work and been locked up in their cells; it is due to the institution and its officers as well as to the committee; I suppose that it should be understood that this condition of things has arisen in large part, if not wholly from the fact universally known among the prisoners that this investigation is going on and a hope has been excited in the minds of the prisoners on account of the presence of the committee that some change might take place in their condition, and some of these hopes have been unwarranted doubtless they have gone beyond what they could reasonably expect; they do not, understand, probably, the powers of the committee, limitation of its powers, and expect more than the committee can possibly do for them; as I have just said, the committee can only investigate and report to the legislature, and the legislature only can act; I deem it due to the institution, in view of the statement as to present disorder in the Reformatory, that it should be understood in all fairness, that it has been caused, no doubt, by the fact that this investigation was going on, and probably was one of the inevitable incidents of this investigation, but we have reason to believe it will be temporary; no doubt they will resume their duties and no serious evils result, when they understand the duties of this committee, and we hope that good results will follow at no remote day, from this examination.

Adjourned to 2 P. M.

2 o'clock, P. M.

*Charles E. Krowl*, sworn :

By Mr. KEYES :

Q. Where do you reside? A. Elmira.

Q. How long have you resided here? A. I think it is twenty-two years, or twenty-three.

Q. You were sent to the Elmira State Reformatory some years ago? A. Yes, sir.

Q. How long since? A. September 21, 1878, I think, it was.

Q. For what offense? A. Receiving stolen goods.

Q. You were admitted, as other prisoners are, to the second grade? A. Yes, sir.

Q. And what kind of work were you employed at? A. At first set to drawing brushes and worked at that two or three weeks, and then got to working the engine and continued at that till I got out the first time.

Q. How long did you remain in the second grade? A. I think nine or ten months.

Q. Promoted then to the first? A. Yes, sir; I guess it was ten months I was in the second grade; I was in the first grade six months and then paroled.

Q. How long is it since you were paroled? A. I was paroled that time and was out four months and got into a little difficulty, and was sent back and staid ten mouths, and now I am out a year again.

Q. Have you any statements to make concerning your treatment as an inmate of the Reformatory? A. As to my treatment they used me well enough, but there is others I can state.

Q. Have you any complaint to make that you were retained under the control of the Reformatory and longer than you ought to be?

A. Yes, sir; it will be a year the first day of April that I was paroled; I was no more guilty than this table is for what I was sent for; I want to get away from here, and I cannot get away unless I have a discharge.

Q. Are you prohibited from seeking employment elsewhere?

A. Unless I get permission from the superintendent or board.

Q. Have you applied to them to seek employment anywhere else?

A. No, sir; for I don't think it would do any good.

Q. Are you earning good wages where you are? A. I am earning a dollar and a half a day, but I can do better.

Q. No one dependent upon you? A. No, sir.

Q. Do you know where you can do better? A. I know pretty near where I can do better; I can do better railroading.

Q. Why do you think you are kept here under the control of the institution longer than you ought to be? A. It is going on four years now, and I think it is about time I got my discharge, if I was ever going to get it; I was never arrested for no other crime before, and I wasn't guilty for the crime I was sent there for.

Q. You have been sent back once since your first parole? A. Yes, sir.

Q. What was the occasion? A. I got full and got into a little row.

Q. You understand it as a rule, if you become intoxicated or get into bad habits, that you are required to report back to the institution? A. Yes, sir; I understand that to be about it.

Q. Have you any thing to say as to severe or inhuman treatment on the part of the keepers toward the prisoners? A. I have seen it, first I ever saw, I say, I saw Mr. McKelvey attack Jake Anderson and fetch him down stairs, and club him from the top of the stairs clear down stairs and around the gallery, and knocked him down as fast as he could get up, with his cane.

Q. Do you know the occasion of the violence there? A. No, sir.

Q. You don't know of what offense the prisoner had been guilty? A. I don't know.

Q. For all you know there might have been some cause of the violent treatment? A. There might have been; I was running the engine and saw him come down stairs, and when they came to the bottom of the stairs, I went out doors and saw them go up around the gallery.

Q. Was the prisoner making gestures towards Mr. McKelvey? A. Every time he knocked him down he appeared to be—he might have been looking for something. He was looking down and soon as he got up McKelvey knocked him down again; first I saw him coming down stairs, and as soon as he struck the bottom of the stairs McKelvey knocked him down with his cane; I heard McKelvey say, if you don't go I will kill you; he had a revolver in one hand and cocked; he had a cane about that long and an inch in diameter, or an inch and five-eighths, probably, one he was accustomed to carry probably.

Q. You know whether the prisoner was seriously injured by the blows? A. He always claimed after that; he was kind of deranged in the head, and didn't seem to be quite right in his senses before.

Q. Did you know him before? A. Not particularly before that.

Q. And don't know his condition of mind prior to this occurrence? A. No, sir; till he come down stairs to work.

Q. Can you state another instance? A. Only when we stood in line ready to go in, and I saw McKelvey fetch Tommy Connell,—fetch him out and knock him down, as he knocked him down he said something and Mr. Brockway came along. McKelvey knocked him down, and Mr. Brockway punched him and shoved his foot right into his face, what it was for I don't know.

Q. How near was you to them? A. As far as from here to that gentleman, Mr. Nicks, when that occurred.

Q. Did you hear what they said? A. No, sir; I did not.

Q. Don't know what the offense was with which the prisoner was charged? A. I don't recollect what it was.

Q. Did you see the prisoners make any motions as if to strike McKelvey before McKelvey struck him? A. I heard he was going to strike McKelvey with a stone, that is all I know, I heard some of the other prisoners say so; McKelvey knocked him down or throwed him down and Brockway come along.

Q. What was done with the prisoner? A. I think he was put in the solitary.

Q. Do you know the subsequent history of the matter? A. No, sir.

Q. Can you state any other instance? A. I have seen McKelvey take that hickory cane and look among others through the yard; he come in to me one morning, I had a pair of over-hauls, the over-hauls come and no name was on them. There was a big fellow, and he worked right opposite me, and I said they are a pretty big pair of over-hauls for me, and he said, yes, they are too long, and the next morning McKelvey came to me and said, why didn't you give Wheat them over-hauls; I said, he never asked me, and I said, the time I took them I spoke to him, said I, they are too big for me. He said, he claims you told him to go to hell, and wouldn't give them to him; I told him I did not; McKelvey got on his ear, and was going to club me; I told him it was his duty to do it, if he thought so, and I asked Wheat what kind of a man he was to treat me in this way. Stone put Wheat up to it; he said I did ask you for the over-hauls, I said, you did not; he said then, if you don't go away I will cut your——guts out. I said you are not big enough to do that, at that he told McKelvey, and McKelvey came back again and he was going to kill me right there, I told him he could do it, and if McKelvey had ever undertook to strike me that day, I suppose I would have been in a different condition that I am now. This man had been sent there for highway robbery, and he would take that man's word before he would take my word, was the way it stood.

Q. Did you have any trial in the Reformatory court? A. No sir; he went down to a man by the name of Trickey, blacksmith, and he said if ever I report a man who would defend me; I went to Mr. Trickey and I said whenever he gets me reporting a man he will know it; all I have against the Reformatory they will let them young fellows report a man when they lie right into it and bury him; of course a man has no show, but I never reported a man, I think, have I, Mr. Brockway?

Q. What do you mean by Stone putting up the whole business? A. He put this Wheat against me; they were trying to put me in the third grade, but they never could get any thing against me.

Q. Were you in the Reformatory at the time of the difficulty between Tibbetts and Beach? A. Yes, sir.

Q. Were you present during the struggle in the yard? A. Yes, sir, I stood right in line.

Q. How far from Tibbetts and Beach? A. A little further than from here to that corner.

Q. You saw the whole proceeding? A. Yes, sir; the first I saw Tibbetts was going along and Beach said, "You get up there and put your hand on his shoulder;" he said, "I will get there as soon as I can," and stepped up faster, but before he got there Beach hit him.

Q. Did Tibbetts limp? I didn't notice; he said he would get up as soon as he could; he said they were going too fast.

Q. Did Tibbetts have anything in his hand at the time? A. No, sir; not when I saw him.

Q. Were you aware there had been any difficulty in the shop before the men come out in line? A. I heard that coming down stairs Tibbetts had a fuss in the shop; I said, "Why is Tibbetts in the third grade line?" some one said he had a fuss in the shop and Beach kept him there.

Q. The first thing you saw, you saw Tibbetts out of his place in the line? A. He was in the second grade but they had him in the third grade line.

Q. Then the first movement you saw was on the part of Tibbetts or Beach? A. On the part of Mr. Beach; when he didn't get up and put his hand on the shoulder, Beach pulled off and knocked him down.

Q. Did you see any movement as of threatening violence on the part of the prisoner towards Beach? A. No, sir, because he had no chance.

Q. What was the effect of the blow? A. Knocked him down and punched him and kicked him after he was down; Mr. Beach was keeper in the shop; Mr. McKelvey ran up and said, that will do.

Q. The effect of the blow was to knock Tibbetts down? A. Yes, sir.

Q. Did Tibbetts seem stunned entirely? A. He didn't seem stunned, but he said, "Mr. Beach, you will feel sorry for this," and at that Beach gave it to him again.

Q. With his cane? A. No, sir; he didn't have any cane, he punched him with his fist and the blood gushed out of his mouth, and he had a very bad eye.

Q. Was Tibbetts trying to resist? A. He was trying to get up.

Q. Did he seem to be attempting violence against Beach? A. I didn't see he did, for he had no show, Beach was so much bigger and stouter than him that he had him under control.

Q. Did you see Beach jump upon Tibbetts and stamp on him? A. I saw him stamp on him.

Q. With one foot? A. Yes, sir; he gave it to him right in that way on the chest; at that time McKelvey came along, and said, "that will do, I will take care of this man; what has he been doing?"

Q. If Beach jumped in the air and come down with both of his feet on the chest of Tibbetts, you would have seen it? A. Yes, sir; he only come down with one foot, and done it once; he was mad, and terrible mad when he hit him.



Q. Put his foot on him and held him there? A. Yes, sir.

Q. Did he strike him when down? A. No, sir — Yes, sir; when he was down once he bent over and punched him in the face, and after that, as soon as he would try to get up, he would knock him right down again.

Q. Did you see much of Tibbetts after that occurrence? A. I believe Tibbitts was put in the solitary after that, and I guess every time he got out he got in trouble some way.

Q. What was the general character of Tibbetts? A. I only know what I heard; he was a bad kind of a man is all I know.

Q. Did you come in contact with him recently? A. Never had much to say to him; I could see him; but to talk with him, I couldn't have no talk with him.

Q. Yon know he was frequently getting into trouble? A. It seemed so.

Q. Did you know enough to know whether he was at fault or not? A. I didn't know.

Q. Do you know whether Tibbetts was disabled seriously? A. I know he was sick for a good while.

Q. Do you know about his having a hemorrhage? A. Yes, sir.

Q. How soon after the beating? A. Well, it was a good while; I heard he had hemorrhages of the lungs after that, but the only time I know he had a hemorrhage was when I was with him down in the jail, during the trial of Simmons.

Q. You don't know anything as to the fact of Tibbitts having a hemorrhage of the lungs the same day or a day or two after the beating? A. No, sir.

Q. Do you know what the state of Tibbetts' health was at the time of the conflict? A. I don't think he was in very good health at the time Beach jumped on him; he didn't look very healthy; pale.

Q. What was he doing? A. Drawing brushes, I believe.

Q. What position did you occupy at the time of the affair? A. Running the engine; I was in the first grade.

Q. Do you call to mind any other instance? A. I have seen Mr. McKelvey when he has been taking a good many of them to the hall, take and spank them with the cane; I could not tell their names; whenever I saw McKelvey taking a man I would walk out and look; I have seen him take and use that cane very frequently; it is a hard blow if a man gets hit with a hickory cane, and a man as stout as he is.

Q. Did yon testify on the Simmons trial? A. No, sir; they had me to testify, but I couldn't testify to nothing but three months previous.

Q. For that reason you were not allowed to testify? A. Yes, sir.

Q. Can you state any other instances of cruel treatment? A. Only as I have seen walking through the yard; but I could not tell the names.

By MR. SCHWARTZ :

Q. You complain that you are kept from an absolute discharge?

A. Yes; that's what I think I be.

Q. You have been out on parole, for how long? A. It will be a year the first of April.

Q. There is a rule of the institution by which a parole prisoner may obtain an absolute discharge after six months? A. Six months or more, it is on mine.

Q. If he behaves himself? A. Yes, sir.

Q. Your conduct, since you have been out, has been good? A. I believe so; all excepting once; some man told him I was maintaining a woman, and that I never did in my life; that is the only kick up that Brockway has got against me, that letter he sent.

Q. You are put in your present place of employment by Mr. Brockway? A. Yes, sir.

Q. And are kept there at his pleasure? A. I suppose so; I cannot leave till I go to see Mr. Brockway.

Q. You have an opportunity to go elsewhere and do better? A. Yes, sir.

Q. That you cannot do, excepting you have your discharge? A. No, sir; unless I get permission from the board; I asked Mr. Brockway some time ago, and I asked why I didn't get it, and he said I was in too big a hurry; to wait awhile.

Q. Is there any rule by which you can determine when you will obtain your absolute discharge? A. No, sir, I have no idea. I think I have got to stay the whole five years the way they are working it on me.

Q. You have parents living in this city? A. Yes, sir.

*James Horan*, sworn by the chairman.

Q. You reside in Elmira? A. Yes, sir.

Q. And are in business here? A. Yes, sir.

Q. What is your occupation? A. Carpenter and joiner by trade.

Q. Ever performed labor in the Elmira State Reformatory? A. Yes, sir.

Q. How long since? A. I think it is going on three years to the best of my knowledge.

Q. How long was you there? A. Well, if I remember well, between four and six months.

Q. During that time, what were your opportunities for observing the condition of prisoners and the work they were required to do?

A. Well, during my term there I worked as mechanic putting on the roof on the north wing, framing and putting it on.

Q. This was in 1879? A. Yes, sir, I think so, or 1880; couldn't certify which it was.

Q. Who was the principal keeper then? A. McKelvey. He was the deputy under Mr. Brockway. I think he was the principal



keeper them days. Mr. Coleman was our superintendent at that time, architect and builder there.

Q. What is Coleman's first name? A. I don't know.

Mr. BROCKWAY — Isaiah.

Q. You saw the prisoners, and saw McKelvey almost daily? A. Yes, I did.

Q. Did you ever witness while laboring about the Reformatory, any acts of violence, or harsh treatment on the part of McKelvey toward prisoners? A. I did once.

Q. Please state it? A. I happened to come in one morning there, as near as I can judge, in the month of September, about the hour or close to it, of seven o'clock; I come into the corridor and we were putting up scaffolding for frescoing; the men went along up by the cells to liberate the prisoners out of their cells, and they liberated two prisoners and they walked along down through the hall, right down where Mr. McKelvey stood, right in front of the door going down into the yard, and these two men led the other party that was behind them; as they reached down toward Mr. McKelvey, the first man took off his cap and saluted him, and went to apologize for some charge laid against him the evening before, as I understood from the way he talked. McKelvey didn't wait to hear his explanation, only for a word or two. He carried a hickory cane I should judge about three feet long, and one and one-eighth inches in diameter, and to the best of my knowledge there was a copper ferule on the end of it, and a crook where he carried it. As this man took off his cap to salute him and apologize for the charge, he drew his cane and struck him right over the side of the head that way, over the ear, and he keeled and laid right over on the flags in the hall, and after he fell he kind of sprung with his hands and feet, and kind of fainted off; before he had time to recover himself, he laid the other man out, struck him with the cane.

Q. Did you see the other man make any threatening gestures? A. No, sir, only to apologize. It hurt my feeling, even if they were criminals. If there was any charge they had a right to hear the case whatever it was. I took it very bad of Mr. McKelvey to do so. He ordered the guard to take him to the hospital. They were both prisoners.

Q. Did they both fall when they were struck? A. Yes, sir.

Q. Laid there shivering and trembling? A. Kind of shook their hands and laid out as if for death.

Q. This all occurred within the space of a moment's time? A. All happened inside of a minute. I was as near to Mr. McKelvey as this man, five feet. I was nearer than that.

Q. Can you remember the language used by either of the prisoners when McKelvey approached them? A. No, I couldn't remember the language, but I remember of it at that time. They took off their caps to salute and apologize.

Q. Did they have their hand in their pocket? A. No, sir, they

walked down the same as I would walk down this place, had their hands hanging loose; he took off his hat to apologize, and he didn't wait for any apology, but knocked him down.

Q. Did the blow struck draw blood? A. Yes, sir.

Q. Faces were bleeding when they were taken up? A. No, sir, their faces was not bleeding, but their head was.

Q. Did you ever witness any other instances of similar conduct on the part of McKelvey or any other officers of the prison?

A. I didn't see any thing like that; not any treatment like that. I saw prisoners that worked upon the scaffold ordered to be taken down and put into some punishment.

Q. Did you know the offense with which they were charged? A. Had some row among themselves tending masons.

Q. You did not see them struck? A. No, sir. I saw one young fellow, I didn't see it when it happened; I was suspended on the 13th or 14th of September. It was during the races of the Driving Park Association.

Q. Suspended, how? A. Put off the job by the foreman of the work, not by Mr. Coleman but by his deputy; there was a lot of men were put off; they claimed they were getting through with their work at the time, and this foreman went around and selected some of the men and put them off.

Q. I did not wish it to appear you were dismissed or discharged from your work? A. I was put off and taken back again; Coleman didn't know I was put off and I was brought back.

Q. Was there any charge made against you of anything improper, any improper conduct? A. No, sir.

By Mr. LIVINGSTON:

Q. Was Mr. Beach anywhere in sight at that time? A. I think he was in there at the time, but he was nothing only—

Q. Did he see that assault? A. No, sir.

Q. Didn't see McKelvey strike? A. No, sir, no man there at all, only McKelvey and I, when this happened.

By Mr. CLAPP:

Q. You don't know what the men said when they were approaching McKelvey? A. Well, I heard, but I didn't pay any attention to it at the time; they apologized, the boy took off his cap to apologize to him.

Q. Do you know what he wanted to apologize to him for? A. Some charge laid to him before that.

Q. Do you hear any reason assigned for this assault by Mr. McKelvey? A. No, sir; I didn't wait for more than a few minutes to get up where I was working.

Q. And since that you never heard any reason assigned why he struck him? A. No, sir; I can tell you more.

Q. Well, do so? A. There is a guard stands there to-day, I think

he is there now ; he told me on the street on Sunday that this treatment McKelvey got was in store for him a year or two before he got it.

Q. That the treatment McKelvey got? A. Yes, sir, and that it was in store for him by some of the prisoners, that he was going to get it.

Q. You mean his murder since? A. That he deserved his treatment that he got, and that it was there in store for him ; that the feeling was that they would make way with him on account of his cruel treatment ; I can bring men to certify to his saying it, for he is there now, I think.

Q. What's his name ; are you apprehensive this man may get into trouble if you give his name? A. I suppose Brockway may discharge him.

Mr. BROCKWAY — I will agree not to.

WITNESS — It doesn't make any difference to me while I am under oath ; I heard this man sworn on the Simmons trial ; he lives over in Southport, across the bridge ; he is a tall man.

Q. Musgrave? A. No, Jim Culp is the man ; he is the man, sir ; I wouldn't want to hurt the man's position, but it is an interview between Mr. Culp and I ; he is a guard ; I have no feeling against Mr. Brockway ; never saw him do anything against a prisoner, nor his brother, Mr. Brockway, always treated me well ; but the cruel treatment of McKelvey, that hurted my feeling, and I claim he wasn't fit for such a position as that ; he is dead now and the Lord has to deal with him ; there is two other men that worked there that saw things similar to what I saw, Mr. Paxton and Shields ; Mr. Schwartz knows them.

Q. Who were they that were assaulted? A. I couldn't tell their name.

Q. Who took them away? A. Upon my word I couldn't tell that.

Q. Can you give the exact date of that transaction? A. It was in September.

Q. What year? A. I think 1879.

*Samuel G. H. Musgrave, sworn.*

By Mr. KEYES :

Q. Your name is what? A. Samuel G. H. Musgrave.

Q. Reside in Elmira? A. Yes, sir.

Q. How long have you resided here? A. All my life, born here.

Q. What is your business? A. Carpenter.

Q. Have you ever worked in and about the Elmira Reformatory? A. Yes, sir.

Q. Were you ever keeper or guard in that institution? A. A keeper, in 1876 I think it was, the year it opened.

Q. How long did you remain there? A. Until the following spring.

Q. Acting in the same capacity all the time? A. Yes, sir.

Q. Is that the only period with which you were connected with the institution? A. Yes, sir.

Q. Less than a year you were there altogether? A. Less than a year.

Q. Will you state generally what you know as to any acts of cruel and inhuman treatment on the part of the authorities of that institution toward the prisoners, and giving particular instances?

A. I was there at the time Frank Rafter was knocked down by Mr. McKelvey five times; we had a break and there was a lot of prisoners put in chain, shackles around their legs and chains about their waists, and they ordered Frank Rafter to carry a hod; he said he couldn't carry it with them chains and climb a ladder; McKelvey said, "Pick up that hod," and he didn't pick it up and he knocked him down, and he got up, and he knocked him down five times; and he told me that night he would have knocked down the son of a bitch a hundred times till he laid there; McKelvey took the cane in his hand, and he looks at it and he said, "I wish it was twice as big," but he said, "I think I can fetch the sons of a bitches with that;" I roomed with Mr. McKelvey one time, and one of the prisoners sent a letter to Mr. Brockway, telling about McKelvey's swearing and cursing around the yard to him; Mr. Brockway wrote Mr. McKelvey a letter telling Mr. McKelvey what the prisoner had written to him, and says, "I hope I will here no more of this;" that was Mr. McKelvey's punishment, that was his reformation; Mac comes to the room that night, he takes the letter out and he said, "Look at this;" I took it and looked at it; I was called upon to help him on the Quimby case, and I believe McKelvey would have shot him if I hadn't told Mac I thought we could take him out of the cell without shooting him; Mac was a very passionate, ugly man.

Q. What was the case, what was the offense? A. Williams and Quimby, they were in the first cell on the third gallery, I think, and Mr. Brockway ordered them to put them into the lower end of the prison. The solitary wasn't in running then; we had that south wing there and used to use that; McKelvey ordered Barnhart to go up and get Williams and take him down to the solitary, Williams was in the first cell, then ordered him to go up and get Quimby, I don't know what the charge was against him, all I know they were to be taken down there. When we went back to get Quimby, Quimby had his bunk drawn around in front of the door, iron bunk and stood on top of it, and said he would brain the first son of a bitch that come in there; he didn't care for his brase buttons. Mac says, "come up here," and I turned and went up stairs with him; I said, "what are you going to do," he said, "I will go and see Brockway," and he went and saw Brockway, Brockway told him to get him out dead or alive; that was all right enough; Quimby was a bad man and ought to have been punished; we had bad men in the prison, and there was some very bad men there, but Mac would punish them when there was no cause, and they ought not to be.

Q. In the Quimby case, did McKelvey inflict any violence upon him? A. No, sir; he stepped in the door with a revolver in his hands, and I jumped by him and got hold of Quimby and hauled him out and got him on the floor, and then Mac told me drag him down stairs, and I dragged him down.

Q. Did Quimby resist? A. When I threw him down he struck his head on the railing and it made him senseless.

Q. How did you drag him down? A. By the nape of his neck; he didn't come to till about eleven o'clock.

Q. Quimby was a bad man? A. Yes, sir; he was a bad fellow, he would just as lief cut you with a knife or any thing.

Q. Do you think of any other case? A. We had difficulty with a prisoner by the name of Daly, Mac undertook to handcuff him up to the door; they don't handcuff them so they have to stand on their toes, that is all a lie, they give him good square footing, but he has to stand up, give the institution its just dues.

Q. The punishment is not at first painful, but becomes so on account of weariness? A. Standing up and cannot get their hands down to make water, or anything of that kind, have to make it in their trowsers, cannot use their hands, but they have good square footing. One night McKelvey went away and took the keys, they had to cut loose one fellow that was up.

Q. When was it? A. On the night McKelvey's family moved here, he went up to meet them.

Q. When was he cut loose? A. They fussed around and tried to get some one to cut him loose, and there was a man in there that could unlock his handcuffs with a shoe string, and they first proposed to take him to do it, but they thought that would be a bad example, so they got a fellow about nine or ten o'clock to do it; he was put up in the afternoon and stayed there all day; they would put them up in the morning, and they would stay all day, they didn't take them down for recess.

Q. At the time Rafferty was knocked down by McKelvey where was he put? A. Taken in there and was put in the first cell on the ground floor.

Q. Do you remember his asking you to go to Mr. Brockway and get permission for him to go before the commissioners? A. Yes, sir; that was the time the commission come there.

Q. Did you go to Mr. Brockway? A. I had something to say, told him that Rafferty wanted to see the commission; Brockway said, "yes, yes, I will tend to that." He has got his way of passing off his nice business, he is one of those smooth kind of men.

Q. Was he permitted to go before them? A. You may bet your dollar he wasn't; well, no, he wasn't.

Q. Did Brockway discharge you? A. Yes, I have got one of his discharges; he was to give a man thirty days' notice, but he didn't do it.

By MR. LIVINGSTON :

Q. You didn't testify in the Simmons case at all? A. No, sir, I was on the stand.

Q. I see that in the error book your name appears as Hathaway? A. I am known by that name.

Q. For the last five years you haven't been personally cognizant of the condition in the Reformatory? A. No, sir, and don't want to be.

Q. Did you resign your position? A. No, sir; I didn't calculate to stay longer than spring, but he got a little ahead of me.

Q. Brockway discharged you? A. He said he didn't want me any more; I didn't know what it was for and he didn't tell me; if he had any charges, he wasn't man enough to tell it; if there was any charges Brockway had against me, or any reason, he was never man enough to tell me and never told any man that he ever discharged, what he does it for.

Q. You don't know to-day why you were discharged? A. No, sir; if he wanted to discharge a man, why don't he come up and say you done so and so, and I will discharge you; it is all a one-horse concern; he is God Almighty up there; if you want to ask me any questions, Mr. Brockway, I will give it to you.

*William Revere*, sworn and examined :

By the CHAIRMAN :

Q. How old are you? A. I am twenty-eight years old; not quite twenty-eight.

Q. How long have you been in the Reformatory? A. Since December, 1877; seven months I was away.

Q. Where were you sent from? A. Syracuse.

Q. For what offense? A. Forgery.

Q. First offense? A. Yes, sir.

Q. Never been in prison before? A. No, sir; never arrested before.

Q. What grade are you in now? A. Second.

Q. Have you ever been in the third grade? A. Yes, sir.

Q. In the first grade? A. No, sir; six months in the third grade, and go there again the first of next Monday.

Q. For what, labor, conduct or school? A. General dissatisfaction.

Q. General dissatisfaction on the part of the officers with the work, and conduct, and progress in school? A. No, sir; not in school, but conduct at work.

Q. What are you working at? A. Turning lathe.

Q. Is the work hard? A. It keeps me busy, it is hard.

Q. Do you find yourself unable to perform your task? A. Sometimes you can do it there; it depends upon the condition of the iron.



Q. There are times when you perform your tasks fully? A. Yes, sir.

Q. How long since you began to fail in your task? A. Every other month, we generally have a bad run of iron.

Q. Is there any failure in your health? A. No, sir.

Q. Your health is good? A. It seems to be pretty good.

Q. Food enough to eat? A. Yes, sir, sometimes.

Q. How is it generally? A. Three days in a week we don't get anything to speak of, not to say food; we get bread; I don't eat much.

Q. How is the bread? A. Good bread and plenty of it.

Q. Have you any evidence that the officers of the prison are treating you, other than in accordance with their rules and regulations?

A. Well, I think they are holding me a little closer than some.

Q. Are you aware of having fallen below the standard of requirement? A. Yes, sir.

Q. In conduct and in labor? A. Yes, sir.

Q. Don't you think you could have come up with the standard with a little greater effort? A. I could if I had stood in a little better with the screws.

Q. What are the screws? A. Keepers; this is the name they are designated under.

Q. Any particular keeper you refer to? A. Yes, there is one; the first man that ever reported me since the last time.

Q. Who is he? A. Mr. Winne.

Q. You think he has prejudice against you? A. No, sir; he has to send in so many reports, I suppose, and keep up his thirty-five or forty dollars a month.

Q. You think he does it to keep in favor with the contractor? A. Superintendent and Mr. Beach; I don't say he is required to do it, but he does it on his own account; they don't request him to do it, but they look for it.

Q. Wouldn't he get the same compensation for his services, if he reported you favorably? A. Well, yes, but his time would be shorter.

Q. You think that they would make an end of him? A. Yes, they do of all good men; they send them out.

Q. Do you mean to say he don't make honest reports of work? A. He has the conduct only.

Q. How is it for his interest to report against convicts on their conduct? A. To make them think it is a matter of great integrity, and they will keep him there.

Q. You think he has no personal prejudice against you, but has the same general style of treating all prisoners? A. Excepting a few that come to him, and tell him they think they are good men; and they tell him to send them along; they get along very nice, but they have to square it up on some others that are not favorites.

Q. Can you give any particular circumstance to confirm the opinion you expressed about keeper Winne? A. The only fact I

take my record for a year and a half previous to that, and I wasn't reported once by any of the officers of the shop, and we had four different officers.

Q. Do you know what your conduct marks relate to? A. For talking and for leaving my place, or something like that; it calls us at the same time to look at it and read it, but sets us back.

Q. Keeps you from a higher grade? A. Yes, sir.

Q. How much are you behind in your marks now? A. I don't know; the cashier of the book canceled it entirely; tore it up twice; I will tear up another if they give it to me.

Q. You have got discouraged under the system? A. I don't believe in the system at all; I think it is a bad thing all the way through.

Q. You think the effect upon you has been bad? A. Yes, sir; I never committed a crime before in my life; well recommended from any place I ever resided in; I have learned to be — I think I could make now a pretty fair cracksman — burglar now.

Q. You have some burglars? A. Got a few.

Q. Do they give you instruction? A. Yes, sir; they all have a big cheme to go into when they get paroled and reformed.

Q. Don't you think if you were to make up your mind to conform carefully to the rules of the prison, and exert yourself reasonably, you might perform your tasks and make up for marks you have lost? A. I exerted myself in February I was fifteen hours ahead of time the keeper told me, and the man behind me was seventeen hours behind; they put this man in the second grade and sent me a notice to get ready for the third, and that is the satisfaction you get for exertion.

Q. How about the conduct of the other man? A. The conduct of the other man was all right, but he has been in the solitary and out of the solitary, and dragged around and down for rather a hard man; I think he is the quietest man in prison.

Q. He gets along well and you don't? A. I don't seem to.

Q. Do you know of any instances of severity or inhumanity in the treatment of prisoners? A. Well, I know a good many, to tell you the truth of it.

Q. You knew McKelvey? A. Yes, sir.

Q. Did you ever see him maltreat them? A. Yes, sir.

Q. What cases? A. I saw him plug a man named John Anderson, and seen him plug good many; the most clubbing was Anderson.

Q. Describe it? A. One forenoon about nine o'clock I was coming from the paint shop, and I heard a disturbance on the steps of the brush-shop, and I looked around and saw McKelvey knocking Anderson down the stairs with his cane, knocked him down the stairs and knocked him down twice after he got down, and Anderson made a rush for some small gravel in the room, because he couldn't get any thing he could do; he chased him over to the solitary, and got him over there, and knocked him down there; drove



him back across the yard again, and Anderson would turn around and face the blows, and then he would put the muzzle of the revolver in his face, knocked him down six or eight times in the hall and chased him around; McKelvey was frothing about the mouth like a mad dog, he had had fits and I thought he had one then; Mr. Vansyth could swear to the same thing, he said he would kill a man that would club him that same way, McKelvey come like a hurricane, you could hear him roar three or four miles, I have seen him club others.

Q. Did you see him club Tibbetts? A. No, sir; I saw Rafferty's head with the marks on it, but I didn't see the clubbing.

Q. Did you ever see Beach club or strike with the cane? A. I saw him strike one man, but I guess it didn't hurt him; they are a little more careful now about clubbing.

Q. You don't hear complaints against Mr. Beach for violent treatment? A. I haven't heard any; I really think any man will get a show that asks for it, if he asks the superintendent or asks Mr. Beach, I know it, if I was to go in the solitary now, and ask to come out, I would get right out to work.

Q. You say you haven't asked for favor; why don't you ask for a show for yourself? A. I wouldn't give them that satisfaction, I rather go out in a box than ask any of them for a favor.

Q. You think it would be a satisfaction to them to have you ask for a show for yourself? A. I think they would.

Q. Don't you think they would like to favor you? A. I know they wouldn't if they could help themselves; I had this trade nice, and just before Abbott's trial had to go in the first court, after they got my testimony they came and threatened me with the solitary.

Q. Who? A. The superintendent.

Q. Did he tell you why? A. Some talk I had at the table that wasn't quite compatible with his good ideas.

Q. What talk? A. A lot of men got talking of how much they thought of Brockway, and I expressed my opinion in rather bold terms, and he got wind of it.

Q. Did he tell you what he punished you for? A. He didn't punish me; they don't like to punish a good man; they will punish some sickly kid.

Q. Why? A. Because they are liable to get the worst of it, but take some poor little sickly fellow they can jump over with a club, and they everlastingly make that desperado come to time; McKelvey clubbed all the little boys in the place; John Andrews was always a nice man; Beach likes to favor a good man if he can, Beach is all right probably, I never heard of him injuring anybody.

Q. Don't you get proper credit for the work you do? A. That is all right so far as I see; we can watch them put it down, I suppose it goes in all right and we do as much work in eight hours as they do in Columbus State Prison in ten.

Q. Is it any more than you can do in eight hours easily? A. Some that can, and some that cannot.

Q. What is your usual task? A. I would have to have a pass-book to refer to, because we have probably fifty different pieces.

Q. Your kind of work depends partly on the rapidity of the revolutions of the lathe, does it? A. We have different speeds to throw it on, if the iron is soft we throw it on faster.

Q. It depends upon the kind of iron you are to work upon? A. Yes, sir.

Q. Don't they make allowance for poor iron, do they hold you to as high a standard as where you are working on good iron? I don't know how it is in the foundry, but I think on our machines if a man's record is good with the exception of his labor, and that is caused by the hard iron, the superintendent will give him his marks back.

Q. You have known that to be done? A. They are reasonable that way.

Q. Is it really practicable for a man that works at the lathe to put in ten hours work in eight hours time? A. We have to do as much now in eight hours as we used to do in ten. We do the same task we did in ten, and all the men on our machine were in the third grade because they could not do it, and now they want us to do it in eight hours.

By Mr. THOMAS:

Q. What is your task on 1-0 glue cups; suppose your task is sixty-four 1-0 glue cups, can you do that task in eight hours, when you have average iron? A. Yes, sir.

Q. Supposing a fair task of that would be eighty for ten hours, if sixty-four is fair for eight hours, eighty would be for ten? A. Yes, sir.

Q. Suppose you put up eighty glue cups in eight hours, could you do it? A. I have done it and better than that. I have sent you one hundred and twenty-five, but that depends upon the iron.

Q. Are you not allowed for that? A. Yes, but we fall short at the end of the month.

Q. Doesn't the foreman when you have hard iron, doesn't he make an allowance every day? A. No, sir.

Q. Haven't you the right to appeal from the foreman to the keeper of the shop? A. No, sir, the keeper says the foreman will see to it.

Q. Then have you not a right to appeal to him? A. I know you have been reasonable so far as you were concerned, but I never appealed to you.

Q. You have a right to appeal to me at any time? A. Yes, sir.

Q. You know no man ever appealed to me that I have done unjustly by? A. You have done very gentlemanly. You come over and explained to me about my work.

Q. This task that you are required to do in eight hours now is not too much for eight hours? A. If the iron is good, but you can't get a good iron.

Q. Have you not had fair average iron for two months? A. Yes, excepting the other day. You know about the work then you spoke about; that was the hardest iron I ever had. The men were all in the third grade in the solitary, and they couldn't do their work then; of course they had hard iron and nobody could do the work. Now the iron is pretty fair.

Q. Sixty-four is your task for 1-0? A. Yes, sir.

Q. Do you do any more for defects? A. Yes, sir; if I only done fifty I would be fourteen short, and the next day I would have to do fourteen extra to make up.

Q. You can do that in eight hours, and have a little time to yourself? A. No, sir, there won't be any flies lighting on you if you do your work.

Q. You can do it six days in the week? A. A good man and a poor man can't. In my profession I always claim first class wages, and was considered a lively workman. I am healthy and strong and young, and can take hold and do a good man's work, and at some times I am left right along.

Q. Do you know how many have been reported for delinquencies this week? A. I don't know.

Q. Do you know that on three days this week you were the only man reported there, and I told Brockway each time it was excusable because you was on difficult work? A. Yes, sir. I think that is the first time I was behind, because I was on difficult work; but you spoke to Mr. Brockway; but if you hadn't spoken to Mr. Brockway and I had been a first class automatic talking machine it wouldn't have made it square with Mr. Beach.

Q. Is this a proper requirement — 65 4-0 to 0-60, ones and twos, fifty-five number threes, fifty number fours, forty-five number fives, and forty number sixes? A. That is the proper task.

By Mr. KEYES:

Q. What do you know about injuries? A. Since the McKelvey affair the turmoil isn't so great, and now they have got it down since this investigation; it is lulled now.

Q. What do you wish the committee to be understood is your main ground of complaint, is it that you are not properly marked and graded, or the task required of you is too heavy? A. Yes, that's one thing.

Q. Anything else? A. Generally partiality shown among the prisoners; for instance, a man by the name of Demerea comes from New York and works on our lathe; and he writes for his father to come up and square him with Mr. Brockway; and Brockway puts him in the office where he can have a button-hole bouquet, and in a year he can go home; and that is a fact.

By Mr. SCHWARTZ:

Q. Is that a fact? A. Yes, sir.

Q. Did the father come up and square it, and if so, how; what was the compensation paid? A. I don't know what slight memorial he left, but I know he got there; I swore his father talked him into a good job, so he did; his son said so.

By Mr. KEYES:

Q. You understand there are different duties to be performed by prisoners, and men cannot be put upon the same work? A. I understand that, but there are far more competent men in that prison than Demerea for a prison job.

Q. Do you know what particular reasons caused his appointment; A. I couldn't tell.

By Mr. SCHWARTZ:

Q. What grade was he in? A. In the second; and he would have been in the third if he had hung there much longer.

Q. How long had he been in the institution? A. Two months and a little over.

Q. When did this occur? A. A year ago.

Q. Is he there now? A. Went home last month.

Q. Paroled, or discharged? A. Gone out, at least.

By Mr. BROOKWAY:

Q. How long have you been in, altogether? A. From December, 1877, except seven months I was out.

Q. Why have you stayed so long? A. I suppose to give you a chance to get all the satisfaction out of me you can.

Q. Why did you come back? A. Because I was brought back.

Q. Why did you come back? A. Because you made it too hot for me.

Q. Was you paroled? A. French parole.

Q. You made your escape? A. Yes, sir.

By Mr. CLAPP:

Q. You think they came to keeper Winne and asked him to put a few men on easy jobs; who do you mean by that? A. Mr. Brockway and his principal keeper; it comes to Mr. Brockway through the principal keeper.

Q. What reason have you to think they do so? A. Because you can take every man with his relatives in good circumstances and good political connection, and they all have soft jobs; of course they never came and told me any such thing, you know.

Q. How did you arrive at it? A. I have a few premises from which I form a conclusion.

Q. Did Brockway indicate that you would lose by reason of your having testified on the Abbott trial? A. No, sir; because I testified for the prosecution, and it was all favorable till after the trial.

By Mr. KELLEY :

Q. How did you work before you came in here? A. By the day ; I never stuck only two years in one place ; worked at a trade ; I do frescoing, and house painting, and carriage painting and decorating.

*William F. Roth*, sworn :

By Mr. KEYES :

Q. You are an inmate of the Reformatory? A. Yes, sir.

Q. Sent up for what? A. Grand larceny.

Q. First offense? Yes, sir.

Q. Sent from where? A. New York.

Q. How long have you been here? A. An inmate of the Reformatory since the 5th of June, 1878.

Q. How old are you? A. Twenty-two, next April.

Q. Did you know Tibbetts? A. Yes, sir.

Q. And Mr. Beach, the deputy? A. Yes, sir.

Q. Do you remember an incident that occurred some year, or two years since when Beach struck Tibbetts and had a tussel with him? A. Yes, sir ; December, 1879.

Q. How near were you to them at the time? A. About thirty feet.

Q. Did you see the whole thing? A. Yes, sir ; from the beginning to the end of it.

Q. Did you hear what was said? A. The first I saw was Tibbetts, draw the handle of a whitewash brush up to strike Torber ; they stopped him there, and Mr. Beach was keeper, and he came down and got hold of him and marked him in the third grade squad, and Tibbetts wouldn't march and refused to do it ; and Beach struck him and he fell ; and I believe Beach kicked him after he was down ; I didn't see him stand on him, but I saw him kick him.

Q. Did you see Beach jump up and come down with both feet on him? A. No, sir ; I didn't see him put any foot on his chest ; I don't know whether — he put out his foot to kick, but I don't know where he kicked him, in the back, or leg ; Tibbetts was lying on his back.

Q. Did you see enough to satisfy you whether Tibbetts was acting in a disorderly way? A. Yes, sir ; I never knew Tibbetts to act in any way except a disorderly way.

Q. He had been a troublesome man? A. Yes, sir.

Q. At that time was he in good health? A. No, sir ; he never was in good health ; men that do what Tibbetts does are never in good health.

Q. What is that? A. Masturbates ; he told me so himself a half a dozen times.

Q. Is that the cause of his ill health? A. Yes, sir ; it was the cause of mine when I first came ; it is a common vice as they are instructed.

Q. How long did the struggle last? A. Three or four minutes; they took him and locked him up in cell 301; they treated him just as they would anybody else.

Q. Did Tibbetts become ill immediately after that? A. No, sir; not that I know of; he continued well till, the first I knew of his being sick there, some time in the spring of 1880.

By Mr. KELLEY:

Q. Do you know Krowl, that was in the prison at the same time you were? A. I don't know where he was; I don't remember seeing him.

Q. Who was there? A. First grade men were there.

Q. Most of them were so situated they could not see the occurrence; the occurrence happened right in between the first grade men; probably twenty or thirty men might have seen it? A. Yes, sir.

Q. Are all the prisoners here, to-day, that saw it? A. I don't know of any, unless it is Swartout.

Q. You saw the whole occurrence? A. Yes, sir; the occurrence commenced at the table some time before.

Q. Did Beach strike Tibbetts with his cane, or hand? A. Beach didn't carry a cane at the time, he struck with his hand.

Q. Were you ever arrested before? A. No, sir.

Q. Never in prison before? A. No, sir.

Q. Have you any complaint to make against the management of the prison, on your own account? A. No, sir; I did make some complaints, long ago, I thought I was ill-used; but I have come to the conclusion I am the offending party.

Q. What do you work at? A. Shoemaker.

Q. Ever been in the foundry? A. No, sir; and don't want to go there.

Q. Why don't you want to go there? A. Because I am not physically able to stand the work.

By Mr. KEYES:

Q. Work in a shoe-shop? A. I fall back occasionally, but I try to make up.

† *Daniel Swartout*, sworn and examined:

By the CHAIRMAN:

Q. You are an inmate of the Reformatory? A. Yes, sir.

Q. How old? A. Twenty-eight, the 2nd of March.

Q. How long have you been here? A. Four years the 28th of April.

Q. Sent from where? A. Kingston.

Q. What offense? A. Forgery; third degree.

Q. Ever in prison before? A. No, sir.

Q. Ever arrested before? A. No, sir; never done any thing before to be arrested.

Q. What work do you do in prison? A. Various kinds.

Q. What are you doing now? A. Working different kinds of work, every kind of work, no permanent work, in the shoe shop.

Q. What grade? A. Second grade.

Q. Ever in the third grade? A. No, sir.

Q. Ever in the first? A. Yes, sir.

Q. Your full term is when? A. When five years is up, the 17th of April, I believe, I was sentenced.

Q. I desire to call your attention to the occurrence between Beach and Tibbetts, you witnessed that? A. Yes, sir.

Q. December 1879? A. Yes, sir.

Q. State what you saw? A. We will go back a little; I had just gone in the first grade just before that, and sat at the table with Tibbetts and a fellow by the name of Torber, Torber was a nice fellow, good company, and used to get along; Tibbetts and him got into a dispute one night; Sunday night they had hard tack and fish, they had two rounds, and it was as many as they all eat; they passed it around and there was some short, and Torber took the last and Tibbetts grabbed for it, and Tibbetts was mad because he didn't get it, and Tibbetts laid it up for him and abused Torber there at the table; Tibbetts wasn't working in the same shop and Torber drawing brushes. I heard Tibbetts say he would straighten him for that some time when he got a chance; it went along till this time when the disturbance happened; Tibbetts carried one of the white-wash sticks they make, and they screw them on with a large piece of iron that weighs about a pound, and he kept that under his coat, it was about so long, pretty heavy club, and when he come along near Torber, so, he struck him over the head, Torber saw the blow coming, and warded it over a little bit; Beach ordered him to fall into the third grade rank and he wouldn't do it, and I was standing out where I could see them coming down stairs; I saw him coming down stairs quite a way behind the rank, and Beach ordered him to close up, and he didn't make any effort to get up there, and said he wouldn't march in the line, and went along a little ways and come around the corner just out so I couldn't see over the rest of the men's head, and Mr. Beach hit him and knocked him over, I saw him go over in the line, and when he fell over, he threw his feet up and kicked at Beach; at that Beach grabbed him by the foot and kicked him once, McKelvey was standing a little below me, about as far below me as they were the other way. McKelvey at the time did not know who it was when he saw him fall, and he run up there and he said, "hold on, Mr. Beach," and he looked and saw who he was and he said, "go on Mr. Beach, go ahead with him," and Mr. Beach kicked him once and hit him twice after he was down.

Q. Did you see Mr. Beach put his feet on Tibbett's chest? A. No, sir.



Q. If he did it, would you have been likely to see it? A. Yes, sir.

Q. Could he have jumped up and come down with both feet on Tibbetts chest without your seeing it? A. No, sir; by the time Beach grabbed him by the foot I was close by.

Q. During a small portion of the time did any other men stand between you and them so you didn't see quite all? When Mr. Beach hit him he went right through the rank on the backside, and I stepped right around to the backside, and went up that way, because I supposed likely it would terminate into a big row.

Q. Were the other prisoners becoming uneasy and troublesome? A. Not troublesome, but the rank broke up a little after he grabbed him and kicked him, and Tibbetts raised up his head and hit him, and he grabbed him by the collar and brought him into line and made him march.

Q. Have you any complaint on your own account in regard to the management? A. Yes, sir.

Q. What is it? A. They keep me there and degraded me because I couldn't get along in school, and marked me for labor when I couldn't do it.

Q. How is your health since you have been in prison? A. The last year it has been very good, for the last eighteen months it has been very good; when I came there I was not well.

Q. For three or four months you found it impossible to do the work required? A. I never could do the task unless I worked in the cell nights, I wouldn't have got in the first grade but for that.

Q. Why couldn't you do that work? A. I wasn't properly instructed, I wasn't adopted to it; I had always worked at hard work and my fingers were not limber enough; I appealed to the superintendent several times to put me at other work, not an easy job but some work that I could do, once he said he would see and the other time he said he would not, and also they put me in a class, I wasn't competent to keep up with it, and they kept me there, I appealed to the keeper and he sent me to Mr. Brockway, and he to the keeper, and they kept me sent around from one to the other, they wouldn't pay any attention at all. I never went to school before I came there only about six months.

Q. Could you write before you come? A. Yes, sir; a little.

Q. Any knowledge of arithmetic? A. A little, I knew the multiplication table; and I have been marked a good many times for that I never done too.

By Mr. LIVINGSTON:

Q. Have you any complaints to make about bad food? A. No.

Q. How about the hash for breakfast? A. Sometimes very good and sometimes not very good, I don't complain about that; if they didn't keep me there for nothing, keep me for what I cannot help.

Q. Do you find any fault about the meat being so salt you couldn't eat it? A. Not now, but it has been so; hasn't been so



for the last six months or more ; there was a time it was so salt you couldn't eat it.

Q. You get fed often enough, and get sufficient food when fed to enable you to do a good day's work? A. Yes, sir; get food enough so far as that's concerned; some men, they get back their school marks, and some, they don't.

Q. Get them back how? A. They get marked and then go to the superintendent, and some they will give them back to; restore their marks; Mr. Brockway, there is twelve school marks you took away from me when we didn't have any school at all; there is no chance for me to get in the first grade; I have two nines, and you told me when I got two you would give them other five back to me.

MR. BROCKWAY — I have something in my recollection besides that; you say you were kept because you could not get on in school; if so, state it? A. You degraded me without any cause or reason of any kind; the report against me was directly false, and not enough to degrade a man any way; it was for talking with Farnham fifteen minutes when my services were needed somewhere else.

Q. What is this here in the book? A. The report was for knowing of a broken brush, and not reporting the same, is the report on the book; there was a brush somebody drew in the picking room, and it was in the drawer, and I used to have to handle some of the dirty black stock; they used to keep some oxalic acid in there, and after I got through handling it I washed myself in the oxalic acid to take the dirt off, and I had a towel there kept in the drawer for that; one night I drew out the drawer to find my towel; I drew it way out and found the brush in the back-side with a lot of waste packed in front of it, and I showed it to the boys.

Q. Isn't there some thing about some preparation to escape which you knew about and didn't tell of; you had the run of the floor? A. I didn't know any thing about it till then.

Q. What about the ladder? A. I didn't know any thing about it till it was brought out that same time.

Q. You were there constantly? A. I only went three or four times a day; I had so much to do I didn't have time only to just go in there.

Q. Any thing else? A. They marked me for talking to men when I had to go and inspect work; they marked me for being too familiar with the men — how is that?

*George St. Ledger, sworn :*

By the CHAIRMAN :

Q. You are an inmate of the Reformatory? A. Yes, sir.

Q. How old are you? A. Twenty-two.

Q. How long have you been there? A. Since the 15th of last June.

Q. Sent from where? A. Utica, N.Y.

Q. For what offense? A. Assault with intent to do bodily harm.

Q. First offense? A. Yes, sir, of that kind.

Q. First imprisonment? A. Yes, sir.

Q. What work are you in here? A. In the foundry.

Q. Is it heavy work? A. Yes, sir.

Q. Is the work too hard for you? A. Yes, sir; it has always kept me behind.

Q. You are behind? A. Yes, sir.

Q. Have you ever been punished? A. No, sir; I haven't come to that; I got degraded for what I said to the committee last Saturday; the next Monday noon I was degraded.

Q. For what you said to the committee? A. No, sir; I had a notice for the third grade, but I think that hastened it.

Q. What makes you think so? A. Every man in the shop that had any thing to say was marked there; every man that spoke to the committee was noticed; they were known.

Q. Not in the sense of being marked on the book? A. No.

Q. Were their names taken? A. I could not say; we were all noticed and looked at.

Q. The keepers noticed the fact of you talking? A. Yes, sir; I think that is what hastened my degrading; I had notice I would be degraded in April if I didn't get perfect marks for this month.

Q. Did you ever hear any officer of the prison say you would be degraded on account of having talked with the committee? A. No, sir; they wouldn't tell me so, till they did so.

Q. This is a matter of inference? A. Yes, sir.

Q. Have you any complaint generally to make against the management of the institution? A. Complaint that I can't get along where I am; I am unable to do my work, and I have been told that in consequence I will have to stay five years, either make me do the work or kill me.

Q. Who told you that? A. The deputy told me I would have to do the work or stay my whole five years; I work like a slave all day, I have asked to be changed, and am willing to do everything, but I have been kept there in the foundry.

Q. Do you have to carry heavy weights? A. I cannot carry the iron for the last two weeks, I burned my foot by the ladle tipping over with hot iron in it.

Q. Are such accidents common in the foundry? A. Yes, sir; they are common among all the men there, the men are crowded pretty close.

Q. What part of the work do you perform? A. What they call straight handles, number eight, use a brass pattern with heavy iron flasks, and thirty-eight are required for a days work.

Q. What are the heaviest weights you lift? A. About sixty pounds.

Q. Do you have to carry them any great distance? A. I have

to turn them over but not carry them ; three or four different times before they are done and dress them.

Q. Are all the men engaged in that part of the work required to do the same number? A. Yes, sir; in that particular number of kettle they are.

Q. Regardless of size or health? A. Yes, sir; health, or size, or any thing else; I see men stand right on the floor and vomit, they are so sick, but there is no redress for a man, he has got to stand it.

Q. You sometimes do the thirty-eight? A. I always do it and over, I could do over that; if I should do over that, if I did one hundred and thirty eight or more, if they are not good it is no use; if I cannot perform the required task I cannot get perfect marking.

Q. Have the men a right to help each other? A. A man has all he can do, and do his own work.

Q. Are not some of the workmen, who are strong and expert who can help? A. Yes, sir; a man works with me who can work like a horse, and he has been over four years, his name is Long, he is probably one of the best moulders in the place; they find enough to do.

Q. Would it be allowed to help you? A. It would be if they could find the time, but they couldn't do it; we are supposed to do now in eight hours what we had to do before in ten, if we don't do it we are worked over.

Q. What is the longest time you ever been overworked? A. Half an hour, worked till five o'clock; it don't happen very often, if it is dull iron we work over to get the floor cleared off.

Q. Have you any other ground of complaint? A. I think that is enough; I have had perfect marking for everything else except that, I cannot get along, it is nothing but labor has affected me since last July.

Q. How about school and conduct? A. My school has been first rate, and conduct pretty good; there is one or two offenses, I was marked by a prisoner, and I don't think it is right that one prisoner should be allowed to report another.

By Mr. KELLEY :

Q. Was you burned where you are now working? A. Yes, sir.

Q. Ever laid up for it? A. No, sir.

Q. Ever been to the doctors? A. No, sir; I don't believe in him, I went to the doctor and told him last December of the pains in my back and chest, and he gave me a small powder, and I used it, and it didn't do me any good; I told the superintendent myself I wasn't able for the work, I would make myself able if I could, I cannot pour the iron; the man I work with knows it, and he pours the iron for me every night.

Q. Why can't you? A. I can't see how to pour it, cannot pour it steady enough.

Q. Did the keeper say any thing to you when you were coming

down to testify before you left the prison? A. He asked me if I was going to be one of the kickers.

Q. Who asked that? A. Mr. Beach; I rather die than go back there; if we deserve to be hung we ought to be hung, but not to get the treatment of barbarians; I am sleeping on a bed not fit for a dog.

Q. What kind of a bed? A. It is supposed to be full of straw, but I think it is full of dirt, I had a first rate bed in the first grade, pictures and all that, they were all taken away, and I don't have now as good to eat as I did in the other grade; and the water isn't fit to drink, it is stagnant, the water we got in the first grade—

Q. Is the water different from what it was in the second grade? A. No, sir; it is the same water, but it was different, what we call tea made out of bread crusts.

Q. How about the food? A. Well, sir, the food is just the same, I cannot eat it half the time.

Q. Frequently go without meals? A. I will go back to-night without any thing to eat, unless I take a pan of mush, and I cannot eat that.

Q. Don't you have bread every meal? A. No, sir; have bread every other night.

Q. And mush every other night? A. Yes, sir; had mush last week two mornings in succession.

Q. Have any thing except mush? A. In the morning we had some bread and water with it; we have our molasses in our cell, I happened to be degraded about the time they filled the cans on the second grade where I was, and I haven't received any molasses, and I cannot till the first of the month; I came to the institution; I did not have to come here; I thought by my good behavior I could get out; those that defended me told me so; Secretary Spriggs and Senator Kernan's brother told me I could get out in six months, and I have endeavored to make my conduct as good as it could be.

Q. Have you got any marks for misconduct? A. Only two in July, and the man that marked me was a first grade man, and he seemed to make it a point to mark men because it hastened his release.

Q. How would it effect his release? A. If he didn't mark men or show good reports, he would be marked himself for neglect of duty; the man that marked me went out some time last summer, Sherwood his name is, marked me for talking; the superintendent told me by getting some more vines he should make that seven and nine.

Q. Did this man mark you injustly? A. Yes, sir; I told the superintendent he did; I never made it a practice to talk.

Q. That was what it was for? A. Yes, sir; and I don't think a prisoner should be allowed to mark another; and circumstances show that plenty of reports keeps a man in his position, and one that don't is put out.

Q. He has to report all men? A. He should report all he catches.

Q. He reports only those that commit offenses? A. They have their favorites and depend upon that; when they can pass books to them, back and forth.

By Mr. KEYES:

Q. Why can't you pour the iron? A. It seems to be I can't do it; I can't see how to pour it.

Q. Is your eyesight defective? A. It seems to be, the iron seems to blind me entirely; the men I work with can tell you the same thing; I have told them time and again I could not do it; I could put up over my required task every day.

Q. Have you consulted the doctor about your eyes? A. It would do a man no good; when I stayed in with a sore back I went to see him, and went out again to work; and the next day I stayed in, and the first question he asked was if I done my work, and if I didn't I should be sent out; I suppose they think if a man stays in there he is staying in for laziness; I have shown a disposition to work all the while I have been there; I wanted no snap in the office; I didn't have to have an officer's overcoat or rubber to protect me; I would rather go to Auburn, and stay five years rather than go back to that place to-night.

By Mr. LIVINGSTON:

Q. Does that pouring affect your eyes? A. It seems to affect mine.

Q. In what way? A. I cannot see the pour in the mould; cannot pour steady enough to get the kettle right; the third grade men get out earlier than the rest; I work like a machine till the whistle blows.

Q. Did you ever tell anybody before you came down there, before this committee, that the pouring had affected your eyes? A. Yes, I told it to the men, and told it to the foreman.

Q. Have you ever told Mr. Brockway? A. I told him time and again I could not do it.

By Mr. BROCKWAY:

Q. Told me? A. No, sir; I thought it was useless; I told him I wasn't able to do my work; I told him I couldn't close my moulds; I work so hard I can hardly speak sometimes, and a man behind in work has no show; I don't believe in that little doctor anyway, I don't think he gives them any show; if I was dying to-night I wouldn't let him administer any thing.

By Mr. SCHWARTZ:

Q. When were you degraded? A. Last Monday morning.

Q. Who imposes your disgrace? A. Couldn't say, we are work-

ing under the same task now we were last summer before the contract come.

Q. You say your food isn't as good as when you are in the second grade? A. No, sir, not by any means.

Q. Do you perform the same task now? A. Yes, sir; the watchman could tell you himself, that I sat in my bed three nights last week with my foot.

Q. Do you say the improper nature of your food, and the imperfect structure of your bed, and your task is the same as in the second grade? A. I have no sheet, or pillow case, or cup.

Q. The amount of work the same? A. Yes, sir.

Q. The only reason you were degraded was because of your deficiency in work? A. Yes, sir; my books will show that, and I haven't been allowed to write home, even in the second grade for two months.

Q. When was you sentenced here? A. By Judge Stone of Utica, June 10, 1881.

Q. For what? A. For assault and battery.

Q. You have got four years more to stay? A. It looks like it.

By MR. BROCKWAY:

Q. You say the food in the third grade is different from the food when you were in the second grade? A. I have nothing to drink with it but water.

Q. The food itself, you said it was different, in what respect does it differ; did you have meat in the second grade ever? A. Get it once a week.

Q. Do you get any meat in the third grade? A. Yes, sir.

Q. Is there any difference in the quantity in the second grade? A. There is no difference in what you get in your pans, but you don't get any thing to drink but water.

Q. The difference is that you get neither tea nor coffee? A. It isn't tea nor coffee.

Q. You mean you don't get the same warm drink? A. That is the only difference, the drink; you are allowed molasses but no vinegar.

Q. Molasses in the third grade? A. Yes, sir; the only difference is that he doesn't get a warm drink.

Q. Is he required to do the same amount of work in the third grade as in the second? A. Yes, sir; Beach come to me one day and said he intended to degrade me, and I said, "you might as well degrade me, it is impossible for me to do the work," I says, I got no ice for the third grade, and I said I couldn't keep myself out of it, and when I got into it, I can't get out by the same work.

Q. Was there any other men degraded the same day you were? A. Yes, sir.

Q. Who? A. A little fellow I have seen stand on the floor and vomit, there was three of us; there was three degraded at the same time with me, a little fellow that looks like a ghost.



By Mr. KELLEY:

Q. Did you ever refuse to work? A. Never did till to-day, I couldn't work to-day, I couldn't pour off my floor, so a man I worked with went in there and I went in there; I didn't refuse to work.

By Mr. KEYES:

Q. Beach asked you if you were one of the kickers, what did he mean? A. I took it that I coming down here before your honorable board to tell how we were abused, he told the man yesterday the other side of me; he asked him if he couldn't take a tumble, and he said you are one of the kickers.

Q. What do you mean by that? A. He said you are not much behind in work; you are one of the kickers too, can't you take a tumble.

Q. Didn't Beach refer to your refusal to work when he made that remark to-day? A. I didn't refuse to work to-day.

Q. Are you ready to go to work Monday morning? A. Yes, sir; and I am willing to work till night; I burned my foot a week ago Monday, and I carried iron on it all the week in a slipper; and Saturday I got some more on it; I have a bad laddle; I spoke to Mr. Thomas, and he kind of told me he should have his instructor carry the iron for me; between him and the man that works with me it has been carried.

Q. Have you any further statement? A. I would like to say that I have been trying to write home, and my letters were stopped right along; I have got a right to tell my folks honestly how I was getting along, as they asked me to and my letters were stopped and I have a note and intended to show it to you gentlemen, and in changing my cell I believe they took it along; no more letters would be forwarded until I done my work; I received a letter from my sister last week wondering what was the matter, and saying she thought she would come again next Monday; couldn't understand the meaning of my conduct; that it was injustice to my folks not to be allowed to hear from me.

Q. Where do your people live? A. In Utica, N. Y.

Q. Who was that signed by, that note? A. H. H. B.; by order of the general superintendent; my sister was here in January to see me, and I was changed about my work shortly afterward, as I told Mr. Nicks and Mr. Brockway before Mr. Thomas candidly, that I couldn't do my work in court; he wanted to know my reasons for my being deficient, and I had no excuse except my inability to do it; and he said I was expecting help from Mr. Kernan, and he said I better take that out of my mind and settle down to work, and if I didn't he should increase my capacity for labor; the superintendent told me that; he said in Auburn when a man didn't do their work, that they were taken off two or three days, and I told him he could take me off and kill me, but I couldn't do it; there has been three letters of mine that have been intercepted; I think I have got about one hundred per cent in school right along; I



heard from my folks last Sunday that they would like to know whether I was dead or alive.

Q. You get the letters they write you? A. Yes; but I won't get any more; letters are now in the city for that I won't get to-morrow.

Q. What makes you think so? A. Because I am degraded, and the third grade isn't allowed letters, or papers, nor allowed a library book to read.

Q. Don't the third grade men receive letters? A. No, sir; nor write, nor get any thing to read.

By MR. BROCKWAY:

Q. Do you have school books? A. Yes, sir.

Q. What are they? A. Third reader, arithmetic and geography; I am satisfied I earned my mark that I lost in October; back as one of the men in the shop told me, that the work was the principal feature of the place now; and that work covered a multitude of sins up there.

*Dr. Krackowizer, recalled:*

By Mr. KEYES:

Q. You have examined this man's burned foot? A. Yes, sir.

Q. Please state the result of your examination? A. I should say, having heard his testimony, that it is true; that to say, I am not able to say there was molten iron; but it is such an injury as may have been caused by the melted iron; it is now nearly healed; healed by the agency of a certain carbolic salve; it must have been at one time, from the size of the lesion extremely painful, and probably suppurated a good deal.

Q. Is it prudent and proper that the prisoner in the present condition of the foot should be continued at the kind of work he had described? A. I think with the soft woolen socks, so far as his foot is concerned, there would be no objection at present.

Q. At present no danger of irritation and aggravation? A. Probably not, if there is no sand or any thing of that kind gets into the shoe, I think it would be safe for him to begin, so far as his foot was concerned, next Monday.

Q. What would be the effect of walking much? A. I might be chafed somewhat, especially if his feet sweat considerable.

By MR. BROCKWAY:

Q. Have you applied to the doctor? A. Yes, sir; I wouldn't apply to your doctor.

Q. Have you requested to be relieved from the work on account of your foot? A. No, sir; I know it would be useless.

Q. What makes you think so? A. Because I see so many cases where men are driven out to work when they are sick.

Q. You have gone out to work after your foot was burned of your own violation? A. Yes, sir; I knew I was behind and I wasn't doing as satisfactory as was asked of me.

Mr. KEYS — The powers and duties of this committee appointed by the assembly to conduct this investigation are simply to examine into the management of this institution, and ascertain, so far as they can, its condition; the treatment of prisoners, and any abuses or evils that may exist and report the result of our investigation to the assembly with such recommendation as we deem proper, as to remedies for any evils we may discover to exist; it has no power to interfere with the management of the institution; no power to direct or control the superintendent, or managers, or any of the officers; and we should regret very much that any false hopes should be excited in the minds of the prisoners, or their friends on account of this investigation for the reason that we have no power to redress any grievances, if any exist; and any false hopes excited might lead to unfortunate results; we are informed that, in consequence of this investigation, a spirit of unrest and insubordination and sedition has been excited among the prisoners; it is right to the authorities of the institution that we should say that they should not be held responsible for the state of things that has been thus caused; if the visit of the committee to the institution has resulted in this it is simply we trust an incidental evil that will soon pass away, and it is your duty to say to the prisoners as we would say to them collectively, that we trust there will be no spirit of disorder or insubordination shown; if there is any wrong in the rules and regulations of the institution, and in the conduct of its officers, those matters will be reported to the legislature and relief can be alone looked for through the legislature itself.

*Hugh B. Brockway*, sworn and examined:

By the CHAIRMAN:

Q. You are a resident of Elmira? A. Yes, sir; at the reformatory.

Q. Connected with it? A. Yes, sir.

Q. In what capacity? A. Transfer officer.

Q. What are your duties in that position? A. To go after prisoners who are sentenced by the courts in the different counties to come to Elmira; and sometimes to supervise the character and account for men who have been paroled and various other duties about the institution.

Q. How long have you been connected with the institution? A. Five years the 13th of June next.

Q. Testimony has been given here to-day relating to an interview which took place in the office yesterday of the reformatory, between yourself on the one part, and Mistress Willis and the prisoner Willis on the other part; we desire to give you an opportunity to state

what you have to say concerning that interview; detail particularly what then and there occurred? A. The superintendent directed me to supervise the interview, and I went up and sent for Willis, and when he come in called his mother from below; and they sat down, and she said she had come here to settle some things; repeated it once or twice, and seemed to hesitate about how much further to say, and then she asked him a question; I couldn't hear the whole of it; heard the two first words and the last one; that was, "did you" were the first two, and the last was, "McKelvey;" some question in relation to McKelvey; I sat down and said they must confine themselves to personal matters because that is a well-established rule of the prison; she then commenced a whispered conversation; I said: "you must talk so I can hear you;" and to emphasize it I stepped out of my chair and Willis said: "I couldn't terminate the interview;" I assured him I could do so; then they subsided and I sat down again, and his mother attempted to give him a long document; he had it in his hand and I took hold of it and gave it to her, and she wanted to give him some candy; I told her she needn't do so; then the interview continued nearly an hour and it was necessary for me to go away, and it continued as long as it was usual and longer; and finally she went down and prevailed upon the superintendent to let her stay still longer, and she stayed nearly another hour; the interview was about two hours long.

Q. When she attempted to talk did you say: "no whispering, no whispering, I will have no such thing here?" A. I didn't say that.

Q. Do you say I must hear every word you say? A. Tantamount to it, in substance.

Q. She says: "you took a picture out of his hand and then gave it back to him?" A. I did let him look at it, I gave it to him.

Q. Did you say: "none of this, none of this, I will have this stopped?" A. No, sir.

Q. Did you use any language equivalent to it in meaning? A. I told her I must see every thing passed to the prison.

Q. She says you used the language, "I am no child, I am no child, I am no baby?" A. I didn't use that language.

Q. Did you use any language equivalent in meaning to that? A. No, sir.

Q. She says she said she wanted to stay a portion of the time with her child, and you said: "I cannot allow it;" did you say that or any thing like it? A. No, sir.

Q. She says on another occasion she was allowed to stay four or five hours with her boy, and she says you said: "you didn't have it and wouldn't have it?" A. I didn't make that statement with regard to the handkerchief I said: "you cannot give it to him now."

Q. The main ground of complaint on the part of the lady seems to be that your manner was discourteous; what have you to say upon that point? A. I should say I was not discourteous, but I treated her with all the kindness I could, and allowed her to stay after the time the superintendent thought she ought to close.

*Carrie Minch*, sworn and examined :

By the CHAIRMAN :

Q. You reside in Elmira ? A. Town in Southport.

At the suggestion of the chairman the witness is examined by Mr. SCHWARTZ.

Q. How long have you lived there ? A. Seventeen years.

Q. You have a brother who was an inmate of this reformatory at one time ? A. Yes, sir.

Q. What was his name ? A. William Minch.

Q. When was he sent there ? A. The 25th of September, 1878.

Q. What was his offense ? A. Forgery.

Q. Sent from this city ? A. Yes, sir.

Q. How old was he when he went there ? A. He was in his twenty-second year.

Q. What was the state of his health at the time he entered the institution ? A. In perfect health to my knowledge ; never had a doctor for the boy, that I knew of, not in this city.

Q. When did he come here ? A. He come home the 29th of November, 1879.

Q. What was his condition when he came home ? A. In a dying condition.

Q. How long did he live after he came home ? A. Just one week.

Q. Do you know what ailment he had ? A. Consumption the doctor said.

Q. Do you know what it was caused by ? A. I don't know ; he said he thought the boy was put to work he was not able to do ; work was too hard, and it all settled on his lungs ; he said the boy didn't have any lungs left whatever.

Q. In what part of the prison had he been employed ? A. The brush shop ; they put him in the brush shop till he wasn't able to work, then put him in the garden.

Q. Did you keep him to work up to the time he was sent home ? A. I think he was out around ; he said he better be out around than up in the hospital ; rather die than stay there.

Q. What doctor did he have ? A. Up there ?

Q. Here ? A. Dr. P. H. Flood.

Q. You say he indicated that your brother's sickness was induced by over labor ? A. Yes, sir ; he thinks he was not strong enough for the work ; he said he could have saved him if they had put him out of the shop sooner ; told us not to bury him for probably the superintendent would send for his skeleton.

Q. Did you visit your brother ? A. Whenever we was allowed to.

Q. Were there times you could not see him ? A. Yes, sir ; we were permitted every three months ; he could write but once a month ; and once we got a letter he didn't write, and he asked for

some articles, shoulder braces he said the doctor said he ought to have; I went up there and took them up there and stopped at the office and asked for Mr. Brockway and he wasn't there; and I asked the clerk, and he said Willie was getting on nicely; I told him I didn't believe it because he didn't write his last letter; he said he didn't know that; the superintendant come and I asked him to see Willie and he said he was sorry he couldn't oblige us, but I couldn't see him that day.

Q. Why didn't you see him? A. I suppose because it wasn't our time to visit him.

Q. How often could you see him? A. Once in two months.

Q. You could take things to him? A. We offered to take things and friends went up with things, but they wouldn't let him have them.

Q. Were these offers made at any time when he was ill? A. Yes, sir.

Q. In the hospital? A. I don't know how long he was there.

Q. Did you offer to take the things up there for the boy while he was sick? A. Yes, sir; a few things, and I went to see the doctor about him and he told me it was nothing serious; we got up a petition for him, and I went to see the governor and asked what we could do; that he was in very poor health; Willie wrote that he had a bad cough, and should keep on work to get his marks; if he didn't he wouldn't ever get out alive; I went to see the governor and didn't see him; but his son was there and said if I got up a petition and got Mr. Arnott to sign it we could do something, and I saw Mr. Arnott and he was willing to sign it; we got up the petition and I guess it was two, three, or four months; and I saw the man that went around with the petition and he said you mustn't be in a hurry, such big bodies move slow.

Q. You asked the physician at the reformatory what was the matter and he said nothing serious? A. He said if I got a certificate from the physician it would help on the petition, and I went and saw him and he said: "oh, nothing serious."

Q. Who was it? A. Young Dr. Wey.

Q. How long before he was let out? A. Either the latter part of August or the beginning of September.

Q. Are there any circumstances you want to narrate? A. I asked why he was sent to work when he was not able to, and he said he saw other prisoners clubbed out of bed; so they carried him out of the shop three or four different times in a fainting condition; I saw the french coroner up there and I asked him how Willie was and he said he was bad off; they have kept him in the shop too long; no help for him; Delong, we had no idea the boy was so sick as all that; but we were up to see him the 25th day of April, and Willie came in from the garden; the first day they had him out; he had such short breath and father felt so bad he couldn't speak much to the boy he was so changed; I said what makes you breath so short; Mr. Brockway said his brother; he said, oh, he has got a little ex-

cited ; he is glad to have company ; he walked a little faster than he ought to.

Q. What grade was he in when sent home ? A. First grade, then, on account of poor health ; he couldn't get along as quick as he would like to ; he couldn't go up to school any more ; he couldn't get up stairs, and was in the hospital more, and they put him back on his marks ; he was in the first grade when he came home.

By Mr. BROCKWAY :

Q. He was admitted about the 25th of April, 1878 ? A. Yes, sir.

Q. Was it the next April you went to see him and saw him walking in the garden ? A. Yes, sir.

Q. After he had been there about six months he was put to work in the garden ? A. Yes, sir ; he came home in November.

Q. Do you know on what occasion Dr. Flood said his work was too hard ? A. No, sir.

Q. What was the work ? A. He said he ought not to have been kept in the brush shop ; he said he ought to have been put out.

Q. Do you know whether when he working in the garden during the summer he had any particular kind of work to do, or was at liberty to work as he pleased ? A. He told me the man he worked under, Mr. Leshong, is very kind to him ; I met Mr. Leshong down town and he said he isn't able to work, but he is so anxious to get his marks.

Q. He was sent home about the first of November ? A. The 29th.

Q. He was in the reformatory, altogether, a year and two months ? A. Yes, sir.

Q. Do you know the shortest term for which men are sent there ; A. I don't know any thing about that, only I thought if people got so bad as he was, and only lived three miles from home, they might have let us have him.

Q. Who did you petition for his release ? A. I don't know ; the managers, I think ; I went to see the governor and he told me to go on and get good citizens and he thought they would let him out.

Q. Do you know the statutes of the State prohibit the managers from entertaining any petition ? A. No, sir ; I don't think they treated him for his ailments ; Dr. Flood didn't think they had.

*Daniel M. Thomas, sworn :*

By Mr. KERES :

Q. You reside in Elmira ? A. I do, sir.

Q. And have a contract for labor in the Elmira State Reformatory ? A. I have.

Q. What is your contract ? A. For a number of men.



Q. The kind of work? A. Manufacturing hollow ware and castings.

Q. How many men in your employ? A. Between two hundred and fifteen and two hundred and twenty.

Q. How many does your contract call for? A. One hundred and twenty-five.

Q. At how much per day? A. Fifty-six cents per day of eight hours.

Q. Irrespective of capacity or expertness of the men? A. Irrespective of that; we have to pay that for each man.

Q. For what period of time? A. Five years, from the first of last September; our firm is an incorporated firm; the Detroit Iron and Brass Manufacturing Company, of Detroit, Mich.

Q. Then the contract is between the corporation and the State of New York? A. Yes, sir.

Q. Did you obtain the contract as the highest bidder? A. So I believe; we bid for it and I know a number of others bid.

Q. Were sealed proposals put in? A. Ours were sealed, and sealed proposals were called for; it was a circular letter by Mr. Brockway on behalf of the board of managers.

Q. Do you know what the other bids were? A. I cannot recall; the exact terms I do not know.

Q. Have you any discretion as to what men you will receive upon your contract? A. No, sir.

Q. How are they assigned to you? A. Mr. Brockway assigns them; when men have gone out or we want extra men, I apply for men for such and such positions and he sends them to me.

Q. You designate the position to be filled and he sends the man to fill it? A. That is it.

Q. Have you power to change men from one kind of work, in the shop, to another without consulting Mr. Brockway? A. We have the power to change a moulder from an eight-inch pot to a nine-inch pot, but no right to change workmen from one class to another class of work without his permission.

Q. You receive men, frequently, who have no acquaintance with the kind of work required in your contract? A. All the new men and unacquainted with the work.

Q. What is the value of their work to you, as a general rule, as compared with the value of the work of experienced workmen? A. It depends upon the man; some men we are absolutely losing money on every day, and there are others on which we make a little; I can safely say, without exaggeration, that we have lost three dollars a day upon a man by the name of Ellsworth, ever since he has been here.

Q. How? A. He spoils so much work, and wastes time, and puts up no work.

Q. Have you no power to relieve yourself from that particular workman? A. Nothing in the contract will enable us to do so; under the contract we are bound not to interfere with the disci-



pline of the men ; he supplies the men according to the contract and we have to take them according to his disposition, and the men we take we have to pay for.

Q. Do you employ citizen workmen in your foundry? A. Three actual workmen.

Q. As instructors? A. We have several citizens in employment ; the instructors are all citizens.

Q. There is a class of men known as overseers employed in your shop? A. Those are employed by the State.

Q. Are the overseers citizens or prisoners? A. Officers of the institution and citizens so far as I know ; they are all citizens in my department.

Q. What supervision do you exercise, if any, over the conduct of the prisoners in your department? A. We exercise no supervision over their conduct ; all our duty is to supply the prisoners with materials, tools and facilities generally, and accept their work as they make it ; and instructors of course.

Q. To what extent, if any, is the grading of prisoners dependent upon the action or judgment of your employees, your citizen employees? A. To no extent whatever ; we have nothing to do with the grading only so far as this is concerned ; if we employ inefficient instructors, then they could not perhaps perform their task, and I should say, in that connection, that when I employ instructors, before they are put on their duty I introduce them to Mr. Brockway and obtain his permission ; have to obtain his permission before we can set any citizen to work in the institution.

Q. The work when performed is submitted to the inspection and must pass their inspection? A. Yes, sir.

Q. In that way ; isn't the grading of the prisoners often determined actually by the report which your agent or inspector may make concerning the work? A. I should explain that by saying, every prisoner has the right of appeal from the instructor to myself, and undoubtedly would have an appeal from me to the general superintendent, if he thought he was wronged ; they have that appeal to what we call their court ; my criterion as to the acceptance of the work is, is it saleable ; if it is saleable or can be made saleable, we accept it and give them credit for it ; the appeal is from the instructor to me, and from me to Mr. Brockway, and if they desire it, from him to the managers.

Q. How does the work of your best workmen among prisoners compare with the work of your best workmen in outside establishments, as to quality and quantity? A. It isn't so good in quality, and the best of the work here is not as good as the best of outside workmen ; and nothing like as great in quantity ; the hollow ware business is controlled almost entirely by State's prison labor.

Q. None in Troy or Albany now? A. No, sir ; we were the last outside concern in Detroit, of any extent ; there is only two or three small ones around.

By Mr. BROOKWAY :

Q. You gathered them in? A. They gathered me in, at last; I fought prison labor for six years; probably the hardest battle I had was with prison labor; I fought it and at last had to use it; there are advantages and disadvantages about prison labor; on the moulding we make something; we get it cheaper than it can be got in an outside shop; and aside from that there is but little advantage; take our cleaning and it costs us more at Elmira than at Auburn, or at any outside shop; for the reason that we have men here which we pay fifty-six cents a day, and outside we would employ a boy at forty or fifty cents; and the boy would do at least twice the amount of work that the man inside would do, because of being more agile; then take the grinding in hollow ware the task here is ninety, ninety-five and one hundred pieces, for which we pay fifty-six cents; and I used to get two hundred and fifty outside for \$1.12 which is an ordinary task; then the men here will break more and waste ten times more than an outside man would; we cannot punish him for every time he breaks, and an outside man you can discharge; you cannot control the men here as you can the men there; our breakage will average from one hundred and fifty to two hundred pieces a day; here is a day's breakage in Detroit, twenty-five pieces and the quantity of work we made there would be about three-fourths of what it is here; take another day at random, the breakage there would be forty-four pieces; we were running pretty full then, three-fourths certainly of what it is here; here is another day with a total breakage of thirty-eight pieces; there we were working pretty full, so that the breakage in an outside shop would not, I think, be one-third of what it is here; in an outside shop is all day work; I am referring now to the finishing after the moulding, and in the moulding the ware is made a great deal heavier; we have to pay so much more for our pig iron and men use up more tools here than they do there; they are not so careful and haven't that pride in their tools.

Q. What can you say as to the severity of labor in outside shops as compare with the labor in prisons? A. I have to say that the task here doesn't average two-thirds of what an outside man will do in a day; now in an outside shop they will work from eight and a half to nine hours at moulding according to the season of the year, and in some shops they work but seven and a half; and to give you an instance, I will take a season of the year when we were working eight hours; here is a man making eight-inch pots; the day's work's run twenty-four, twenty-eight, twenty-seven, thirty, twenty-six, twenty-eight, twenty seven, twenty-five, twenty-two, that was piece work, outside labor; the task here is twenty-two; at that time he was not working more than from seven to seven and a half hours; as our shops were dark we couldn't begin before eight o'clock; here is another man on the same work makes twenty-six, twenty-five, twenty-nine, thirty-one, twenty-eight, twenty-eight, thirty-one, and the task here is twenty-two; here is another man on eight-inch

griddles ; here the task is fifty-four ; this man puts up eighty-nine, seventy-seven, sixty-six, 'seventy, seventy-four, seventy-two, and sixty-four.

Q. There is no allowance for breakage ? A. No, sir.

Q. A man here must do fifty-four good ones ? A. Yes, sir ; and this is the number of good pieces the man did ; those were good men.

Q. Any thing more than average men ? A. Nothing more than the average of these men here ; a man can learn to mould hollow ware in four weeks ; at the time I am referring to I was employing in competition with my friend and he drove me to employ boy labor ; we had to employ boys, had to discharge all our skilled men or rather, they discharged themselves ; we employed boys then ; here, upon a job where the task is twenty-three eight inch tea-kettles, there is one man did thirty-five, thirty-seven, thirty-five, thirty-three, thirty-five, thirty-three, thirty-five thirty-six, thirty-seven, thirty-five, and here the task is twenty-three ; another man thirty-one, thirty-one, thirty, twenty-eight, thirty, thirty-one, thirty, thirty-one, thirty ; another man thirty-three, thirty-three, thirty-three, thirty-one, etc. ; here is another, where the task in the Reformatory is twenty, and my men did, outside, upon the same work, twenty-three, thirty, thirty-one, twenty-six, twenty-seven, twenty-seven, twenty-seven, thirty-one, thirty-one, twenty-eight, thirty-two, thirty-two, twenty-five ; that was a boy about seventeen years of age, a boy we had trained up, and hadn't been on this work three months ; we will take another boy, about fifteen years of age, Lewie Holt, not as tall as Lyons and not physically as stout ; I should say he was about four feet nine, or ten, this boy being about two months at work ; this is his work upon a task for which, here the number is fifty-four ; he did, outside, seventy-two, seventy seventy-three, seventy-one, fifty-two, forty-nine, fifty-eight, seventy-five, seventy-six, sixty-seven, seventy-two and seventy-four ; I should say the day he did forty-nine and fifty-eight he did five pieces and three pieces of another kind.

By Mr. KEYES :

Q. Whether these outside laborers whose records you have given performed, in all respects, the same kind of work performed by the prisoners in the Reformatory ; did they make the moulds and carry the melted iron ? A. They had to make the moulds, and carry the iron further than they do here, and the same quantity and the same weight.

Q. A fifteen year old boy carry sixty pounds ? A. Oh, yes ; it is the knack of carrying ; it isn't the weight ; I have had boys moulding at fourteen, fifteen, sixteen and seventeen years of age ; the work is easier here because we have superior facilities to what we have there ; better flasks, we are getting rapidly better patterns, equally as good materials, better shops to work in, by far, and the men don't go out at night and drink bad whiskey, and don't go to dances ; and here they have good wholesome food and plenty of it,

and are in good physical condition all the time and can do their work six days in a week.

Q. You observed daily the condition of the men in your shop?  
A. Yes, sir.

Q. How does their physical condition compare with that in the shops outside? A. Finer body of men physically and intellectually than moulders as an average; I say that, and the remark has been made to me by almost every foundryman that has come to see me, what an intellectual and fine physical body of men I have got.

Q. In entering into your contract with the State, is account taken of the rental value of the shops and any fixtures that may have been in the shops at the time you took the contract? A. The contract gives us the exclusive use of the shops during the term of our contract; all the rest we bought from the State; the flasks, patterns, machinery, tools and materials; indeed, bought all the property that the State owned, outside of the actual real estate; it cost about \$38,000, which we paid the State.

Q. What do you say as to the contractors getting the advantage of outside manufacturers on the ground that the shops occupied by them are free of rent? A. The rent of the shop, at six per cent interest, I presume would come to about \$1,500 a year.

[Admitted that the height of Lyon is five feet, or five and a half, and weight at present one hundred and twenty-one pounds.]

*Witness*—I have boys of one hundred pounds that do one-third more work than is required of him at the work he refused to do.

Q. You were proceeding to state with regard to rental value?  
A. I judge them to be about \$1,500 a year, take the land and value of the buildings.

Q. How does it appear the State gets any return for the use of the shops? A. In the first place we pay the State fifty-six cents a day and it is every cent the labor is worth, including the rental value of the shops.

Q. The rental value taken into account in making your bid? A. We took it into account, I don't know what the other side did.

Q. If you understood the shops were not to be furnished?  
A. We would have bid less.

By Mr. KELLEY :

Q. That is because the convict system has driven the price so low?

A. It is every penny I would give for convict labor to-day when compared with the price I paid outside.

Q. If it was all swept away the work would be worth more? A. If this was the only convict shop I don't know but we would make more money than we shall make.

By Mr. CLAPP :

Q. Do you pay any rental for power? A. We pay the State fifteen cents for horse-power per day.

Q. How much principal do you pay upon? A. We are com-

pelled to pay for thirty-five and whatever we use more, according to the last statement of Mr. Brockway we are using eighty ; I don't believe it ; he claims, for the last four months, he has rendered a bill for power that I am satisfied we don't use.

Q. Who determines that? A. By arbitration, scientific men will be appointed to indicate the power we use ; I think there was a mistake made in indicating the engine.

Q. That matter is subject to review ? A. Certainly, Mr. Brockway, I presume, don't want to gouge us and we certainly don't want to gouge him.

Q. What about fuel and lights ? A. We warm the shop ; the State supplies us with nothing but the building ; we supply fuel and light ; we have to keep the shop reasonably warm to the satisfaction of the superintendent.

Q. You fought prison labor ? A. I fought it out of principle once, but I became converted ; it was a question with me as to whether I should lose \$30,000 in plant in Detroit, or should use convict labor ; I determined to use convict labor rather than lose the \$30,000 for my stockholders ; while convict labor hurt me, I fought it of course, and naturally would ; I have no objection on principle to using convict labor, I think it will be employed ; I have seen enough of the rose water ideas in regard to convicts ; would like to have a hotel dinner and play ball and all the rest of it ; they don't like work and I wish to say right here, so far as I know, if I think a man is overtaxed I shall go to the superintendent and tell him so ; but I say seriously there is not a task in our shop the men cannot perform reasonably and without any waste of physical strength within the given time.

Q. You have heard Lyon's testimony and St. Ledger's ? A. Yes, sir.

Q. And have observed them at their work ? A. Lyons' I have not.

Q. In your judgment are they overworked, or are they competent to perform tasks assigned to them ? A. I think they are both competent in time ; Lyons cannot do his task now because he has a will not to do it.

Q. You think that is the only reason ? A. Yes, sir ; he said so here ; he thought it was too heavy for him and he didn't try to do it ; I have had boys weighing forty pounds lighter, and six inches less in height and younger that have done one-half more than he has been required to do ; I had two good boys in Detroit, by the name of Wintz, who each would put up seventy-five spiders a day and did do it right along.

Q. Isn't it accounted for by their getting paid for it ? A. There is a question for Mr. Brockway, that don't fall within my province.

Q. By whom are the tasks set for the prisoners in your shop ? A. Superintendent.

Q. Have you never been allowed since you were connected with the Reformatory to assign convicts to their task ? A. No, sir ; except on one occasion of Eldridge ; he had been working about five months and losing two or three dollars a day in waste of material



and tools generally, and I asked Mr. Brockway several times to assign them to other duties ; the man said he couldn't do the work, and after a time Brockway did assign him to another position and in which he is not doing his work and breaking ware ; that is the only instance in which I have interfered with the position of the men.

Q. Is there any task in the foundry that a man of ordinary intelligence, or even natural ordinary intelligence, cannot learn if he earnestly tries to do so? A. No, sir.

Q. In what length of time? A. Within the time set down for the task ; there is no task the first week, a quarter task for the second, and a half task for the third, and a three-fourth task for the fourth week, and a full task for the end of the fifth week.

Q. The man McClees was before the committee, did you hear his testimony? A. Yes, sir.

Q. Do you know the man? A. Yes, sir.

Q. In your judgment is he physically able to do his work? A. Yes, sir ; he has the lightest in the shop.

Q. Has he the mental capacity to understand it? A. Yes, sir.

Q. Has had ample time to learn it? A. Yes, sir ; and has the mechanical ability also ; he dislikes hard work.

Q. How does the task in the Reformatory compare with the tasks assigned the convicts in States prison? A. A little less in some things and equal on others ; on no one piece is it larger.

Q. It has been claimed, I understand, by some of the prisoners that they are now required to perform the same task as when the time for work was ten hours instead of eight? A. That is so, I believe.

Q. Do you deem that unreasonable? A. No, sir ; some men can do it in six hours and others it will take eight hours ; but when you come to put the task at ten hours the man has to waste time if he takes it ; there is no task that cannot be done in eight hours and under ; I will say in seven hours.

Q. How large a percentage a man in your shop actually perform the full task required? A. I should say the maximum seventy-five, and the minimum seventy in the moulding shop ; in the grinding shop eighty per cent do the task.

Q. Do you think any considerable number of men could without injury to themselves perform a larger task than they actually do? A. Yes, sir ; at least one-half the men can do fifty per cent over their tasks in the time they have to do it in ; the proof of that is, that at Auburn the contractors there obtain an average of twenty per cent over their tasks, which is a little higher than ours.

By Mr. KELLEY :

Q. Is there any thing said in the contract about task? A. No, sir ; we have to pay for the men even if we don't get a piece.

Q. You only pay for men that turn out to work? A. We do not pay for men that are turned out sick.

Q. Do you pay for the men down here to-day? A. That I don't know; my friend is a little hard on me sometimes; he takes good care of the State's interest always; now I wish to say this, that in outside shops there are but few where the time of moulding would extend over eight hours, because although the shops will average running nine hours, the men don't mould all the time; there are very few where they mould over five and one-half hours, actual moulding, and the other two and one-half hours they are pouring; you take a task on tea kettles; our task can be done by most of the men we have there, the work of four hours moulding; for eight hours work forty-eight-inch tea kettles is a fair amount, and our task is twenty-two.

Q. Does your inspector inspect the work with reference to the labor mark or prisoner's grade? A. We don't know how the men are marked; we don't know anything about it, only when he is put in the third grade we see his clothes changed and we know he has been degraded; each man's work is counted daily and the perfect ones counted.

Q. An employee of the contractor does that? A. Yes, sir.

Q. Is it upon his count the men are marked? A. Yes, sir; we keep a ledger account with each man.

Q. Something has been said about the contractors; that they like to keep a good man there; that it might be possible to so mark a man as to keep him there? A. We could not mark him.

Q. As to the reports of your inspector the prisoner don't know except by the report he gets? A. A man's work is poured off to-day, our foreman goes around in the morning and gives each man his count before the work is removed from his floor, and a man has a chance then to see whether his count is right, for the work is before them; each day we give the man a slip whether he is under his requirement or over it; so there can be no one day on which the men are not informed fully with regard to the amount of their work; and they have an appeal to the superintendent if there is any incorrect counts.

Q. If they have a task of thirty-eight to do and they fail, they are required to do more to make up for the defects? A. Yes, sir; they must give us thirty-eight good ones.

Q. How many bad ones do they do? A. We are getting eighty-five per cent good ones throughout the shop; for every one hundred flasks put up we are getting eighty-five good pieces and that very nearly compares with outside shops; when it comes to ninety I shall be satisfied.

Q. They must get thirty-eight perfect pieces? A. Forty-two would be an average; for instance they save eighty-five per cent you see, for every one hundred flasks; you can easily figure up on thirty-eight what it would be; it would be about forty-two.

Q. Willis said they were obliged to work over eight hours a day, is that true? A. It is not true — in this way, that while we have met



with accidents and sent in to ask for over time; that over time is in each case kept from us at some other time; generally we are through by four o'clock in the evening; ten minutes past four for five evenings out of six; most of the men get up their tasks before noon and don't work between twelve and one.

Q. Suppose they were required to work ten hours to-day would they be required to work eight hours to-morrow, or only six hours? A. No, sir; the State hasn't asked me to do that, for although we pay for eight hours we don't get it; take the men that go out to see the doctor and out to wash, etc., we get no credit for it; my foreman says we don't average seven hours a day; they have ten minutes for washing up for dinner and for supper; quarter of an hour for bath Saturday, quarter of an hour to be shaved on Friday and time to go and see the doctor and I have not asked the State to make it up in over time; I don't think we have ever asked for a quarter of an hour; the ten minutes we may ever had is always made up by the ten minutes washing time.

Q. I will ask you generally with reference to the style of discipline maintained in the institution; the temper and spirit and bearing of the keepers and other officers of the Reformatory? A. Well, sir, the three keepers in our shop, I think, are very forbearing; I have never seen any acts or violence since I have been there and I think they are very lenient, more so than I wish them to be; I am speaking prejudiced now, a little more severity would be better for the contractor.

Q. Is there a basis of justice in the complaints so frequently made by prisoners that their complaints are not properly considered; that they are treated with indifference and neglect, if not with something worse? A. I can only answer that this way, that I have never known any man from the superintendent down to the lowest keeper to be unjust; those instances of complaints would come under my notice; but judging from the character of the men I meet there I should say decidedly the prisoners were making erroneous statements.

Q. You have heard their statements? A. Yes, sir.

Q. In those instances in which you have personal knowledge of the prisoners and causes of their complaints your judgment is the complaints are not well founded? A. No; they are not well grounded in my judgment; of course where he makes one to the superintendent I may have no personal knowledge of that.

Q. In your judgment does the system now in vogue in our State's prisons generally of hiring out the labor of the prisoners by contract — is it particularly prejudicial to the interests of the prisoners; does it hinder their reformation; interfere with their moral or intellectual progress? A. I should say most certainly not; it is but an opinion that the contract system is better for the prisoner than working on public account because it is to the interest of the contractor to push on his men; to teach them more rapidly than it would be to those who hadn't any moneyed interest in it; take my friend Brockway here, of course he had to employ help and such

help as the State will allow him to pay, I think under any contractor where there is personal interest of the contractor the prisoner would be better taught than where there was no pecuniary interest at stake in teaching him; it would be the interest of the contractor to educate and instruct the prisoner so he might perform his task fully and perform it well; I know that, that is not an opinion.

By Mr. KELLEY:

Q. If all this work in the hollow ware business done outside is done by boys or nearly so, what good will it do a man when he gets out if he is thrown upon society with his trade? A. You ask me a question I asked my friend when he started the manufacture of hollow ware here; I did not say all my work in Detroit was performed by boys, but the greater part of it; out of seventy-three moulders I had but thirteen men; you have asked me a question that I can only answer in this way, that while these men cannot work outside at the manufacture of hollow ware as they have been taught the art and principles of moulding it takes but a very short time indeed for them to learn from what they know other parts of the moulding business; for instance, a man that can mould hollow ware has been taught to riddle sand, to temper sand, to tamp sand, to pour iron; taught to judge of iron; he has been taught to draw his pattern with a steady hand and in that consists three parts of the art of moulding; he has been taught also the reason why certain castings fail and others don't; he has been taught in fact a branch of dynamics, and can become an accomplished moulder one-tenth of the time by reason of what he has been taught here; it is not the sole idea of the Reformatory to teach a trade that he will work at when he gets out, for perhaps he wont work at it; but it is to keep them employed while here.

Q. How many men are there in your shop? A. From one hundred and ten to one hundred and fifteen.

Q. Do you not concentrate too many on that particular business when they get out they cannot work at that? There is no diversity of work? A. I have twenty men at work on sewing-machines at which they can work outside in most any part of the United States; but if you ask me what good does it do, you ask me to open up the whole question of prison labor; I have two of our foremen here if you wish to examine them.

Q. I take it for granted they would cover the same ground? A. Exactly; Mr. Thomas put in evidence a statement of the work done at the Reformatory on the 23d of September, 1880, when they took the contract which gives a statement of thirty-six moulders employed on hollow ware; three were short of their task; six did their task; the other twenty-seven did more than their task; showing the task is not too high; the task was the same then it is now; I want to say there is not a task there the men cannot do in seven hours if they want to; I will make this statement that ninety per cent of our men don't actually work more than six and one-half hours a day;

that is, the task does not require them and actually they don't work six and one-half hours a day; statement put in evidence and marked "Exhibit B," also an affidavit of Dr. Wey put in evidence and marked Exhibit "A."

Mr. BROCKWAY — I wish to say that St. Ledger's case has received very careful attention from the board of managers and particularly from the president; it is possible he really thinks he cannot do his task; we have rather had that opinion, but a close observation of him at work shows he can put up the full amount of work required, because he has frequently done it and he has so testified to day; the difficulty with him is a want of attention to the details of his work, which I attribute, and I think very properly, as I have very many such cases, to the expectation that he may be released through the clemency of the governor, being interceded for by Mr. Kernan; we have given very careful attention to all of his antecedents and previous habits and environs at home as well as to his physical condition; his mother is a widow and his sister a dressmaker; we ascertained that by their labor and sacrifice that for a number of years he has been maintained and furnished with money for his carousals; one of which brought him to this trial for assault; I have been in constant correspondence with his attorney, Mr. Kernan; he has interceded to have him taken out; his sister has been here several times and has personally visited the managers, each one of them and solicited a change of labor; manager Nicks has driven up to the Reformatory and has gone into the work shop and called him out of the room and he admitted his ability to do the work, but he has no heart for it and claims he cannot save it by close attention to the sand and flasks, etc., and we are perfectly satisfied that in time, under the gradual pressure brought to bear upon him, that he will accomplish his task; that the whole mode of his mind will change; we judge that treating him for reformation that unless he can by his own will under the play of such motives as we bring to bear accomplish a reasonable amount of work just where he is; there is little ground to hope that when again released he will so apply himself to industry as to satisfy his natural wants and will be again led into dissipation or into crime.

Q. What is your judgment as to the foundation of his claim that he is unable to pour the metal on account of his eyes? A. I have inquired into that and find the statement of the foreman that in their efforts to instruct him as to the manner of tipping his ladle, that he disregards their instruction; he never made any complaint to me or previously stated any difficulty with the eyes.

Q. Did you know the condition of his foot? A. I knew he was burned, for I had seen him limp; but I supposed it to be as it is; one of those slight burns that do not confine a man to his room necessarily, and we leave it very much to their option whether they work or remain in; in relation to burns a few months ago I found a large number in the hospital with burned feet; the first thought was, whether they were burned intentionally; no doubt some were, and

some cases from want of experience and often from want of care which may be attributable to the ease and comfort they had during convalescence ; for two reasons we thought it might be well to treat burned feet in the rooms ; the first reason is that the air in the hospital isn't pure and the doctor discovered some difficulty in healing the wound and that they healed quicker in the cells ; the other reason was to see whether the monotony and confinement of the room for two or three weeks would not somewhat remove this carelessness ; and we find a reduction of some thing like twenty-five per cent since ; there is no class of people who are so insidious and sharp in their approach to an examining board as these men are ; and whenever we have a new manager appointed I care a burden of carry for some months until by constant contact and experience they come to better understand the statements of prisoners.

Q. St. Ledger seems to be a bright young boy ? A. Yes, sir ; he is worth saving.

Adjourned subject to the call of Chairman.

AT ALBANY, *April 4, 1882.*

Present — Mr. KEYES, Mr. KELLEY, Mr. KLAPP and Mr. FARRAR.

*Isaiah B. Coleman*, sworn and examined :

By the CHAIRMAN :

Q. Where do you reside ? A. Elmira.

Q. What is your business ? A. Carrying on a machine shop there.

Q. Have you ever been connected with the State Reformatory at Elmira ? A. Yes, sir.

Q. In what capacity ? A. The first eleven months, from the 1st of June, 1876, I was principal keeper, and from that time out I was, from the 1st of May, 1877, till the 1st of last June, acting as superintendent of the construction of the buildings and walls about there and work-shop and machinery, and as a general master mechanic ; I had charge of all the machinery there, and engines, and more especially of the hollow-ware department, for fourteen months prior to the 1st of June last.

Q. You were connected with the institution, then, from about the time of its organization ? A. Yes, sir ; up to the 1st of last June ; it will be June of 1881 ; I came there about two weeks or ten days after Mr. Brockway, I came there the 1st of June 1876.

Q. Were the prisoners in the Reformatory put at labor during the time of your connection with the institution ? A. Yes, sir.

Q. Under the State, or by contract ? A. Under the State.

Q. And what was the work upon which they were engaged ? A.

At first they were engaged in the building and completion of the prison and the walls, work-shops.

Q. While performing that work, were they not acting under contractors? A. No, sir.

Q. Was not the Reformatory built by contract for the State? A. I do remember that a portion of those that were transferred from Sing Sing were let out by the day to Rummell & Rupp, contractors.

Q. With that exception, they were employed directly by the State and worked under agents? A. Under keepers employed by the State.

Q. Have you any knowledge of the manner in which the convicts are at present employed by the State or contract? A. As I understand it, they are employed by contract, a portion of them; I have had no connection with the prison since the contract system came in vogue, and all I know is from hearsay; very seldom I visit the place, and never only upon business.

Q. What was the understanding at the time the Reformatory was established as to whether the convicts should be employed directly by the State? A. As I understand the law, they were to be employed directly by the State.

Q. At State work? A. Yes, sir.

Q. Have you any knowledge as to financial results secured by the employment of convicts upon State work? A. From what I can recall, there was a good margin in the brush business and but a small one in the hollow-ware department.

Q. Both of those kinds of business were followed in the Reformatory? A. Yes, sir.

Q. Had you the management of the finances of the institution? A. No, sir.

Q. Who had the control of them? A. The superintendent.

Q. Mr. Brockway? A. Yes, sir.

Q. And you have no means of knowing whether the Reformatory paid expenses or not, or what the financial results of the work performed were? A. Only as I would learn it from the reports made by the superintendent, and those I cannot recall.

Q. The annual reports? A. Yes, sir.

Q. They have annual printed reports of the year? A. Yes, sir; I think there is, I think I have them at home.

Q. During your connection with the Reformatory, were you in a position to know what the methods of punishment were in the institution? A. No, sir; not only during a portion of my administration as principal keeper, and then only a small portion of it; the balance of the time when I was master mechanic I had nothing to do with the discipline, and paid no attention to it; left that with the keepers to do.

Q. During the time you were principal keeper, were there punishments inflicted in the Reformatory? A. During the time I held the position of principal keeper there was but — the most of the time I held that office I was incapacitated from serving by sciatic



rheumatism ; I could walk around by the help of a cane, slowly, but I could not do my detailed duty of principal keeper, and it was done by McKelvey.

Q. He was keeper ? A. It strikes me he was holding the office of yard keeper at that time ; they were assigned those positions and I was assigned the principal keepers' position as it paid the best salary ; that was given me in order to get my services as mechanic.

Q. Do you know what punishments were actually inflicted during your — A. The punishment of handcuffing them to the cell door was one, and another putting them in a dark cell on short ration.

Q. Were there, to your knowledge, any instances of paddling during your stay ? A. No, sir.

Q. Did you ever hear of it during your stay ? A. Not in that institution.

Q. Have you heard of it being practiced since you dissolved your connection ? A. By these reports, but no personal knowledge ; I never saw a paddle and never heard of any prisoner being paddled while I was there, and made no inquiries into the matter ; as I said before, I attended to my own legitimate business and left the discipline to those parties who had it in charge.

Q. Can you state any thing to the committee of your own knowledge as to the character of the discipline ? A. I can state my opinion as to the discipline there.

Q. At the present time ? A. No, sir, only while I was connected with the place ; I considered it very lax, I considered it not up to the old standard.

Q. Have you any knowledge of the discipline employed in State prisons generally ? A. No, sir ; I have the knowledge of the Pilsbury discipline, for I was formerly an officer in the Monroe county penitentiary, where the old Pilsbury rule was in vogue, the strict discipline.

Q. And the discipline of the reformatory as compared with that of the Pilsbury system you consider was lax ? A. Very lax, indeed.

Q. How did you account for that difference between the disciplines ? A. I accounted for it as being Mr. Brockway's theory.

Q. On the ground that the institution at Elmira was intended to be a reformatory institution ? A. Yes, sir.

Q. And conducted upon a less severe *regimen* than that of State prisons generally ? A. Yes, sir.

Q. Had you occasion to observe during your stay at the Reformatory whether the discipline employed by Mr. Brockway was effectual in securing order and good results generally ? A. Well, in my judgment it was not ; the results were as good as could be expected from the kind of discipline he had.

Q. Please state the facts that will enable the committee to judge what the kind of discipline was ? A. I cannot cite any especial occasion, nothing only a general knowledge of it that I would naturally pick up in my connection with the institution.

Q. From what you saw, did you come to the conclusion that the treatment of the prisoners was mild and kindly, humane? A. Yes, sir, altogether too much so, for I am not in sympathy with that system at all, and never was.

Q. Were there any occasions of insubordination or sedition among the prisoners while you were there? A. Yes, sir.

Q. Do you recall any one particular instance and the cause of it? A. I have but one case in my mind of insubordination, and that was a man by the name of Welch that stowed himself away in the store-room attached to the barn, store-room where they store agricultural implements and various parts of them.

Q. State how the trouble arose in that case? A. The cause of his stowing himself there, was on account of Mr. Beach the principal keeper, undertaking to correct him as I understood in the hall, and he turned and ran out of the hall out through the yard and hid himself away in the store-room.

Q. Did the trouble extend to other prisoners? A. No, sir; it was merely to overpowering him.

Q. Have you ever had any acquaintance with the management of similar institutions in other places? A. Yes, sir.

Q. Where? A. At Rochester, Monroe County Penitentiary, and I was also connected with the Detroit House of Correction.

Q. During what period? A. First of June, 1865, to the first of May, 1871.

Q. Who was at the head of that institution in Detroit? C. R. Brockway, the present superintendent of the institution at Elmira? A. Yes, sir.

Q. What was the character of the administration of the Detroit institution? A. Financially?

Q. No, its general discipline? A. The discipline was intermediate between the Pilsbury system and the present system at Elmira; it was not as severe as at Rochester or Albany, but more severe than at Elmira, there was certain shops there, it was impossible to keep the strictest discipline in on account of the work, shops where the rush bottoming was done, there could be strict discipline kept—more uniform discipline than in other parts.

Q. Were the methods of discipline at Detroit similar to those employed by Brockway at Elmira? A. In a small measure they were, there was no marking system there.

Q. But there is at Elmira? A. Yes, sir.

Q. Have you any acquaintance with the marking system at Elmira? A. Nothing to amount to any thing, it was not in vogue when I was principal keeper, and I took no particular pains to post myself in it.

Q. Have you any knowledge as to the effect upon the prisoners, its Reformatory influence? A. It breeds a feeling of discontent, in my opinion, they never know when their sentence is to expire, it is virtually indeterminate.



Q. During your connection with the Reformatory at Elmira, what was the condition of the institution generally, or of the inmates rather as to subordination, order and quietness and content?

A. Considering the system that was in vogue it was unexceptionable; they were as it were, taking care of themselves; that is a part, as I understand it, of that system, self-government; to explain that they are carrying on that prison with as large a number of inmates as there is there with the smallest number of keepers per man I think of any prison in the country; virtually there it is a self-government.

Q. Do you think that is the result of the peculiar system adopted by Mr. Brockway? A. That is one result.

Q. The marking system, has that any thing to do with the result in your judgment? A. Not in my judgment, but it is the confidence he reposes in a portion of the men, that he places in them.

Q. Tell us how in your judgment, or from what you have seen and know of the Reformatory, describe to us how you think the marking system and the grading system operates upon the prisoners, in securing the reformation and order and good discipline? A. That would be merely my opinion.

Q. The result of your observation? A. In a measure with certain subjects I think it is beneficial and with other it is not; with those that it is not, I think they never should be committed there.

Q. With prisoners who are thoroughly vicious, do you think the Elmira system is productive of good results? A. No, sir, I don't; I do not think they should be allowed to mingle with the other class at all, those that are susceptible of good influences.

Q. In your judgment, has there been a proper classification of prisoners at Elmira? A. There is as far as the accommodation of the place would allow; the thoroughly vicious that are connected with the hollow ware department, it is impossible to work them anywhere else except right intermingling with the other classes; in the brush business there was a portion of that work, where they could work in the solitary and be separated from the better class, and it is beneficial to the other class, and beneficial to themselves that they should be separated; they had forfeited their right to that extent, the right of the liberties of the place, as it were; they should not be allowed to intermingle with the other grades in my opinion.

Q. Where a prisoner has been an inmate of the Reformatory for a period as long as he probably in his own judgment would have been confined in the States prison for the same crime, what would be the probably effect on his reformation if kept in the Reformatory beyond that period?

Mr. CLAPP — I don't understand they could be kept longer than the maximum.

A. The prisoner told us frequently that if they had gone to States prison, these would have been only kept in probably a couple of years.

By Mr. FARRAR:

Q. Isn't that in cases where they could have accepted a punishment less than a maximum? A. The law is, they cannot be kept longer than the maximum time.

Mr. KEYES — Here are two persons convicted of crime say, the same offense, *particeps criminis*, one is sentenced to States prison for three years and the other sent to the Reformatory on an indefinite sentence; now, after the one sent to the Reformatory has remained in the Reformatory up to the time when his associate is discharged from States prison, what is the effect of the further confinement in the Reformatory, doesn't he begin to feel he is suffering injustice, that it would have been better for him if he had come to States prison instead on coming to the Reformatory, we had just such cases? A. Well, if he is susceptible to the advantages he might have, there he would be better off to remain there than he would to come out and take his chances as the exconvict from States prison.

Q. You say that if he remains longer than his associate remains at the States prison, that it is his own fault, and the result of disobedience? A. No, sir; you misunderstand me, it may not possible be his own fault, for a man may not have the capacity to grade out with another one that would be sent at the same time who might have the capacity to perform his tasks, to conform, as it were, to the discipline of the shop, and learn the lessons readily.

Q. You think his term of imprisonment extending beyond that of his accomplice might be his misfortune rather than his fault? A. Yes, sir.

Q. In such an event a spirit of discontent and dissatisfaction with his being there would result necessarily? A. Yes, sir; for it would be perfectly natural, he would think himself just as smart as his colleague who went in with him, and that he should have been graded out at the same time.

Q. And the same would hold in cases where one accomplice is sentenced, say five years, to the States prison, the other sent to the Reformatory on an indefinite sentence; the one sent to the States prison by good behavior might reduce his term to three years and seven months? A. Seventeen months off.

Q. After the expiration of the term of the accomplice who was sent to States prison, the sense of injustice and wrong would begin to rankle in the mind of the inmate of the Reformatory? A. If he hadn't the capacity or hadn't the mind to conform with the rules of the institution and lost his marks, or if he wasn't capable of doing the task put upon him, he might lose his marks and in that way he would; of course he could not grade out as quick as he could otherwise.

By Mr. FARRAR:

Q. Doesn't that come back to the question of marking?

By Mr. KEYES :

Q. There is a system of grading? A. Yes, sir; as I understand it from the marks they earn they are placed in the first and second grade.

Q. Is that a graduated scale for different prisoners corresponding to the capacity of each, or a settled and fixed standard? A. Is a fixed standard.

Q. Some would obtain that standard easily? A. They are placed in the second grade when they come into the prison, no matter what their mental or physical — moral, mental, or physical capacity.

Q. In your judgement, does the system operate justly and fairly on the prisoners, the marking and grading system? A. Not in my estimation it does not, because it is not in the power of any living man to judge between man and man as to their capacity; mental or physical capacity of any man to earn his marks.

Q. As a matter of fact some of the prisoners earn their marks easily and steadily, regularly, and others frequently fail? A. Yes, sir.

Q. Habitually fail? A. Yes, sir; in other words they are unfortunate.

Q. What have been so far as you know the Reformatory results of the Elmira system? A. I haven't the means of knowing, knowing a very few cases and what become of the men, or what their conduct was after leaving the institution; a few of them I would know by hearsay, some would be returned and then I would certainly know; others that would skip we would hear of them.

Q. Have you any knowledge of any partiality shown to any particular prisoners, or any class of prisoners? A. No, sir, I have not.

Q. Any means of knowing whether the condition of the prisoners in the Reformatory is influenced by appeals or influenced of the friends outside of the institution? A. No, sir; I do not know of any results whatever growing out of any appeals that have been made either to the board of managers or superintendent, or any of the officers.

Q. You understand this investigation is ordered to inquire into the management of the Elmira State Reformatory, have you any facts in your possession pertinent to this inquiry going to show the general character and nature of the management, or any particular facts indicating irregularities of any kind connected with the institution? A. I have no knowledge of any irregularities whatever that would come under my observation, only as I cited two cases of beating as you might call it.

Q. Have you any knowledge of any persons, who profess to know of instances of cruelty or inhuman treatment on the part of keepers of that institution towards the prisoners? A. I have had remarks made to me by the brother of the superintendent with regard to the treatment of some of the inmates by the now deceased principal keeper.

Q. McKelvey? A. Yes, sir; I never saw but one case of it, there was but one case came under my observation.

Q. Do I understand you Mr. Hugh Brockway, brother of the superintendent has made statements going to show cruel and inhuman treatment by Mr. McKelvey of prisoners? A. Yes, sir.

Q. Was Mr. McKelvey connected with the institution while you was there? A. He succeeded me as principal keeper, and did my duty as principal keeper most of the time I held that office.

Q. What knowledge have you, if any, as to his general style of demeanor and conduct towards the prisoners? A. He was very stern at times, as the most of Scotch Irish are, and this case that I of mention, was the beating of Abbott the murderer, probably it was done under intense excitement for it was immediately after his killing of Reed, when he came into the shop and removed him from the shop.

Q. What did you see and hear? A. I saw him raise his cane and strike Abbott between the shoulders and along down the back with the crook of his cane, and as he was hustling towards the door to go over to the hall after the murder.

Q. That is the only instance of physical violence you ever saw him use? A. On his part, yes, sir.

By Mr. FARRAR:

Q. You say you saw him strike Abbott who was the party who had killed — ? A. Killed Reed.

Q. This was immediately after the murder? A. Yes, sir; immediately after the murder, after the body of Reed had been taken out of the shop; McKelvey wasn't in the shop at the time of the murder, he was sent for but he didn't come into the shop until after Reed had been removed to the hospital.

Q. And it was to take this man Abbott in charge that he came in? A. Yes, sir.

Q. Did Abbott resist? A. No, sir.

Q. You thought his striking of him there unnecessary? A. Yes, sir; I thought it entirely uncalled for, no provocation given, for he made the remark as he passed me, he said, "I will go along."

Q. Was it in the presence of a large number of prisoners? A. Yes, sir; in the presence of most of the men in that shop.

Q. Any indications on the part of the men tending towards mutiny? A. No, sir; no insubordination.

Q. One question with reference to the overseers of the men, whether or not it is in the power of the overseers or men who have control to control the marks of men largely, I mean prisoners or men that are employed by the State? A. They have power to make out reports against them, and these marks are credited them or they lose them, there are nine marks a month credited to them, and what we call giving them a mark, it could very well perhaps be taken away from them; they lose these marks.

By Mr. CLAPP :

Q. It is a demerit ? A. Yes, sir.

By Mr. FARRAR :

Q. These reports are made by the men in charge ? A. Yes, sir ; history of the case as near as possible.

Q. And an overseer who should give himself up to caprice or grudge against any one of the prisoners has it in his power to control the marks of that convict ? A. Yes, but there is an appeal.

Q. Subject to the appeal to the superintendent ? A. Yes, sir ; to the superintendent and to the court.

By Mr. KEYES :

Q. Was Mr. Brockway, the superintendent, aware of the general character and conduct of Mr. McKelvey toward the prisoners ? A. Well, I cannot see how he could help knowing it.

Q. Did you ever have any conversation with Mr. Brockway on the subject ? A. Very little, it wasn't my business and therefore I never meddled with it.

Q. Was it a matter of remark among the keepers of the institution, the conduct of McKelvey ? A. Well, with his favorites it was not, he had his friends and those that were not his friends, and of course his friends would naturally justify it.

Q. Do you know whether the subject was ever brought before the board of managers of that institution ? A. No, sir ; I do not.

Q. Do you know whether any complaint was ever made to Mr. Brockway upon the subject ? A. No, sir.

By Mr. FARRAR :

Q. Do you know whether he ever said he thought McKelvey was too severe ? A. I think from the remarks I have heard him make he thought otherwise.

By Mr. CLAPP :

Q. When you was in the Reformatory at Elmira, was the marking system in vogue ? A. It was in vogue from the time of the passage of this law, the indeterminate sentence law, 1877.

Q. From that time till the present that marking system was in vogue ? A. It was immediately drawn up, the system was, and I don't know but it was drawn up during the passage of the law when it was before the assembly.

Q. In the early part of your service there it was not in vogue ? A. No, sir.

Q. Did you ever hear Mr. Brockway express any opinion upon the system prior to its being adopted ? A. I have heard him speak in favor of it, because in a measure it originated in his own mind

Q. You heard him discuss it before it was adopted? A. Yes sir.

Q. Did you ever hear him speak in any other manner than favorably towards that system? A. No, sir.

By Mr. CLAPP:

Q. You were associated with Mr. Brockway in Detroit prior to coming here? A. Yes, sir.

Q. Did you ever hear this system discussed by him before? A. Oh, yes, I have heard him discuss it in Detroit; he was an enthusiast.

Q. In favor of it? A. Yes, sir; if I remember right the same bill or something very similar to it came before the Michigan legislature when I was a resident of that State and it was framed by him or some of his friends, but it was rejected.

By Mr. FARRAR:

Q. What sort of a character had this man Abbott at the time he killed Reed? A. He was a vicious, bad man. At the time he stepped across the aisle to kill Reed he had a leg-iron on that would weigh from 11 to 12 pounds, and he had assaulted a prisoner in the dining room before that with a bread knife.

Q. Was it McKelvey struck Abbott? A. Yes, sir; when he took him out of the shop.

Q. Do you think that McKelvey had reason to believe at the time he struck him in there that he would have trouble with him? A. He so stated, that he thought Abbott turned upon him; he so stated, but I could not see he did.

Q. Did he have any weapon? A. I don't know as to that.

*Daniel M. Thomas, recalled and examined:*

By Mr. FARRAR (who in the absence of Mr. Keyes acted as Chairman):

Q. What was your testimony with regard to before? A. The result of it was that some of the prisoners on being examined swore that the task was too great for them; the opinion seemed to prevail in a newspaper that the contractor was driving the men and set to task; the fact is, the task set to the men is set by the authorities of the prison; and was set before the contract system; and the contractor had nothing at all to do with it in any way and he took things as he found them; and the task has not been enlarged since the contractor come there, and it is not excessive and isn't larger than is done in other prisons and is not more on an average than two-third of the task done by ordinary men outside in the same line of goods; and I produced my books from Detroit where I had work done, and gave instances where boys fourteen and fifteen years of age to the number of forty or fifty of them did an average task each



day, at least one-half larger than any task set in the institution ; and that a man of full age working to support his wife and family would ordinarily do about twice as much as the prisoners are doing for us now ; that was the substance of my testimony the other day.

Q. Is there any thing else you would like to state to the committee ? A. No ; I stated this the other day, that there was a question brought up the other day as to doing ten hours' task in eight hours, time ; it isn't the time it takes, but it is the amount of work they can do in a day ; for instance, we will take thirty pots as a day's work ; some men will mould out seventy posts in five hours, and some men will take six hours ; and the man who takes five hours to mould them may not be able to do as much work in a day as the man who takes six hours, because the amount of strength required to perform the task may exhaust the man's vitality and would not the man's who took six hours ; the amount of work they can do is not according to the time, but as the amount of vitality he has in him ; there is no task in that prison which an ordinary man cannot perform ; there is no task in that prison to-day which any man in that prison cannot do ; that is, at work in the moulding shop.

Q. That is the result of your experience ? A. Yes, sir ; as a manufacturer ever since I was twenty-one years of age, and fourteen years employing moulders, that is, there is no man at work upon my contract to-day that cannot fill his task in the time allotted to him ; the contract calls for a hundred and twenty-five and I am working two hundred and twenty-five.

Q. That is the stove contract ? A. Hollow ware. That is the foundry contract, I should say.

Q. How is that ? A. The complaint of some of the men was that their work was not quite up to the standard and they had to perform it over ; the task is for salable work ; take a spider with a hole in the bottom of it and of course there is an imperfection in the work, and that is discounted to the man and is thrown out, but the task is set allowing a certain proportion of bad work ; all moulders make bad work, and I venture to say to-day, I not only venture to say but state from actual experience the amount of work made this last week in proportion, the amount of good work made in proportion to the amount of work moulded is equal to what I had made in Detroit by outside labor ; this last week the men have produced as large a percentage of good work as my men did in Detroit so they have no more physical labor to perform for the amount of credit they get, than the outside men would ; I want to state that since you, gentlemen, left there since that strike for tobacco there has been sterner discipline and the men are more obedient ; they understand for the first time that obedience is the order of the day, the discipline has been lax but it has been necessary to become firm since the 40 odd men refused to work and of course the men understand now they are to be obedient and the result has been exceed.



ingly beneficial; that is one grand result to these men if nothing else comes out of the investigation, obedience being the first step towards reformation.

Q. Do you know of any instances of men who came before us when we were there and complained they were not able to do their tasks, that since we left have come up to the mark? A. Only two men complained they could not do it, one was McClees and St. Ledger, and they both did their tasks last Thursday and Friday; McClees came to me yesterday and said, "Well, Mr. Thomas, I have come up to my task at last;" I said "Yes;" he said, "I don't know that I will be able to keep it up, but I want to get out of here; I have made up my mind I am going to get out of here;" he said that yesterday; now St. Ledger on Thursday and Friday of last week did his task for the first time since he has been there; he was the great whiner; unfortunately on Friday he worked a little too hard and smashed his finger and has been in; I had every hope of his getting out in 12 months; he has made up his mind there is no other way; it is a lack of obedience, it is stubbornness in the men, it was the second man near the door, the man from Utica, the Byronian looking man whose hair curled.

Q. How long have you been a manufacturer or contractor at the Elmira Reformatory? A. Since the 1st of September last.

Q. You have been in position to observe the beneficial or non-beneficial result of the marking system, what have you to say with regard to it? A. You are treading upon delicate ground.

Q. We want to know? A. I am prejudiced, I am; excuse me, I may be biased, my interests may bias me, you must take what I say with a grain of salt in this respect. They do in Syracuse. I say in candor, I may be biased, I say this.

Q. If Mr. Thomas thinks it affects his position in any possible way it may be improper to ask him to answer the question; is there anything else you desire to state to the committee in reference to the contract system of the Elmira Reformatory? A. Nothing but that I stated before, and that was as I believe, that the contract system was rather an aid to the reformatory procedure; I believe that for several reasons, though perhaps I have not studied it as much as I should if I thought the question would be asked again; I say that as between the officers who would have to grade the men and the men themselves there is an intermediate party who can for his own interest tone down some little excrescences there may be with the system; the marking in some ways may be pretty rough, if it is arbitrarily carried out, and the keepers and officers of the State being obliged to obey the laws will very often not take into account the idiosyncracies of the men; under the present system it is to the contractor's interest of course to get as much work out of each man as he can without exhausting the vitality of the man, because he has to pay for him day by day whether he does much or little, therefore it is to the contractor's interest to get the man out of the institution as quick as he can and get another in his place; it is to the contractor's interest

that he shall keep the men in good order if he can, give them all the facilities for learning the trade that he can, keep them well supplied with good materials and good tools and good instructors; when the State runs the business it is not to the interest of any man, to the pecuniary interest of any man to see to that; of course you get a man like Mr. Brockway, whom I believe to be essentially honest and essentially trustworthy, and he does all that he can, but he cannot do all the work of that institution, it is not in his power to look after the interests of the state as a contractor should look to his own interests because he has to do a large amount of work other than the manufacture, therefore I say that under the contract system there is a divided responsibility, a responsibility of Mr. Brockway for the discipline and financial success and responsibility of the contractor for the financial success of the manufacturing department; I don't quite understand personally how the contract is entered into with the Reformatory but the legislature passed a law last June, I believe, that all labor at the Elmira Reformatory should be let out to contractors.

Q. Do you own the shops? A. We bought from the State everything but the actual real estate, bought all the flasks and machinery, tools, everything they had there for the manufacture of hollow ware, we own everything, we paid the State \$38,800 cash for what we had there, and we pay 56 cents per day for each man, whether he does much or little; some men we make a little money on and others don't give us one cent's worth of work in a day; that is all the interest the Reformatory has in it.

Q. It gets 56 cents a day for the use of the men? A. Yes, sir.

By Mr. KELLEY:

Q. When the contractor wants to get them out of prison is it merely to preserve their vitality? A. No, let me put it to you; here is a man that is at work moulding for me, it is for my interest to get as much work out of that man as he will do knowing he has to stop a certain time; and without exhausting his vitality, take an average day's work of 33 8-inch kettles; if that man gives me 31 one day and 27 another and 25 another I don't get an average day's work out of it; it is to my interest that that man should make his 33 kettles every day and I have to keep him in that humor that he will do it, otherwise I have to report him to the superintendent and that man is degraded and he has no further to go; the fact of the matter is there is no corporal punishment as a rule only in very exceptional cases; I have heard of no corporal punishment since this last week while I have been there; it is to my interest that he shall be kept in the best possible humor and will and even in gratitude, so there is an intermediary between the men and the management which is a great aid to the discipline of the institution and to the men themselves.

Q. It would be possible to punish him so that he would be of no use to you? A. Yes, sir.

By Mr. CLAPP :

Q. Isn't it to the contractor's interest to keep him as long as it is possible, because his experience makes him more valuable than a new man? A. Yes, sir.

Q. Wouldn't it be to your interest if a man should be degraded if thereby his length of service was prolonged? A. No, sir; because he is liable to get ugly; if you degrade him without cause he at once gets ugly and will not do his work; if you put him in the third grade there is an end of the punishment; there is no means for me to get the work out of a man after he is put in the third grade; so it is to my interest to keep the men out of the third grade; to keep them in good humor, and keep them under discipline; and the interest of myself and my foreman to aid the discipline of the establishment; it occurred to me it might be possibly to the interest of the contractor to prolong the service because experienced men are more valuable, it would be so if the contractor could do it; the interest of the superintendent is to get the men out of the prison as fast as he can so as to show so much larger percentage of reformed men; that is how it is worked and I don't see how it going ever to be any other way; of course the larger showing Mr. Brockway can make of reformed men the greater glory and credit to him.

By Mr. FARRAR :

Q. What effect does your contract for the manufacture of hollow ware have upon outside manufacturers? A. It has no effect now because there was but three large manufacturers of hollow ware in the United States; one at Auburn, one at Columbus, and my own at Detroit; I was the last outside man; now I am in the States prison, and there is one small one at Fort Plain; there is a little made down in New York or New Jersey, and another small concern twenty-eight miles out of Cleveland that don't make as much in a year as I make in two months; there was a hollow ware concern at Peekskill, but that run out some time ago.

Q. This prison work drove them out? A. Yes, sir; and drove me out, too; I was in business in Detroit before any States prison started; my first competition arose from Columbus, and then from Auburn, and then from Elmira; and when Elmira come it was the devil.

Q. All this time you were an opponent of convict labor? A. I am one of the national committee on the question of convict labor now and I have to use it; I opposed it tooth and nail.

Q. Before you took the contract at Elmira, you were manufacturing hollow ware? A. Yes, sir.

Q. How did their prices compare with the outside prices; were they selling less than other manufacturers? A. I think if you go into that you should go into it with Mr. Brockway; they were selling at much lower figures than any outside manufacturers were, owing to peculiar circumstances which can be explained by Mr.

Brockway, and which I think you should follow up in justice to him ; if the statement goes out to the public, all I can tell you is, that when I took the contract the board of managers asked me if I would take what contracts there were on hand and unfilled ; I promised them on condition there was none less than cost price ; I was to buy manufactured goods on hand at cost price from the State which I did ; when I come to take them and we come to figure out the cost I had to pay for some ware a great deal more than I sold or filled some contracts for the State for ; and those contracts were made by Mr. Brockway under peculiar circumstances, which he, himself, can explain to you, and which you should ask him if you take into consideration my evidence.

Q. He was in favor of the public account system ? A. Yes, sir.

By Mr. CLAPP :

Q. Whether the product of convict labor under the public account system did not interfere with the product of honest labor in the same line as much when manufactured by the State as it does by the contractor ? A. Interfered more with it ; it will interfere more with it every time ; here is a management which is entirely irresponsible, has no interest whatever ; he will no doubt sell his goods in the easiest way to himself ; take the case at Sing Sing to-day, suppose the warden was manufacturing stoves for public account ; the warden would have no financial interest in the price he got for them ; the agent would want to save himself trouble and he would sell them in the easiest manner possible, and the easiest manner that I knew is of the cheapest manner.

Q. The products might be regulated somewhat ? A. You cannot regulate the law of supply and demand ; you cannot make a law binding any manager to sell at market prices unless you bind him to sell at auction, and you may sell at a time when they don't want the goods ; we don't sell hollow ware but six months out of twelve ; take February and March and they are the principal sale months in the spring ; July, August, September and October are our principal selling months in the fall ; in those six months we sell four-fifths of our products.

Q. How did the contract system come in vogue ? A. Because the legislature found they had so many appropriations to make under the public account system they couldn't stand it any longer ; by inquiry it can be ascertained ; it was as I understand it, because the board of managers come down to Albany and asked for a hundred thousand dollars last year, and the legislature gave them fifty, and said : "you must let your labor out."

By Mr. KEYES :

Q. Couldn't the Reformatory be so managed as to obviate the necessity of the large appropriations ? A. That asks me whether Mr. Brockway was as good a manager for the institution as some

one else might have been ; I prefer not to answer it ; I thing Mr. Brockway did all he could do.

Q. The result of the inherent failure of the institution ? A. Yes, sir ; the contract was let to me because I was the highest bidder ; invitations were sent out all over the country ; to St. Louis, Chicago, Detroit, Columbus, Auburn, New York, to manufacturers inviting bids ; in the city of Elmira itself, I know of these bids having been made of which mine was the highest ; and I was taken because I was the highest, simply ; I had no interest in the contract until it was made with me.

By Mr. KEYES :

Q. Do you know what the other bids were ? A. No, sir ; and was told I was the highest bidder ; and was told the contract would be made with me if I would remain over the next day, which I did ; we finally drew out a contract and after a long day's struggle between Mr. Brockway and myself we made a contract of which I got the worst of it.

Q. Have you had experience in contracts with penal institutions ? A. Not extended ; being in competition for the last six years with Auburn and Columbus manufactures, and having had the acquaintance of the men before we started ; at those places, and ever since I have been in this country, I have been around to see what they were doing ; I was around Auburn and Columbus a good deal to see what they were doing.

Q. Have you had occasion to observe the condition of the prisons in the State, or in other States as to the contentment, quietness and good discipline of the prisoners ? A. As to quietness and good discipline, I have, and contentment too, and it requires two separate answers ; I think the men are very much quieter and more content in Auburn, Columbus and Sing Sing than they are at Elmira, for one especial reason, and that is that at Elmira they have three different courses of conduct to pursue before they can get the different grades and get their perfect marks ; first, labor ; second, study ; third, conduct ; a man may have his conduct perfect, and his labor perfect, and if the course of study is above his natural capacity, if the superintendent or the principal keeper, or the teacher has over-rated his capacity and he cannot pass his examination he loses his marks, and that of course would make the man discontented ; and I find with men in my work, that many of the men who have not performed their task because they will tell us there is no use of my getting my labor perfect ; I cannot get my marks for school ; again, they may get their marks for school and conduct and not have their labor perfect ; the contractor at Elmira had not the power as contractors have in State's prisons to change a man from one position to another, or from one kind of work to another ; if, in his opinion, the man isn't capable of doing the work he is set at, the superintendent has the power of placing the men, while in States prison the manufacturer does that ; the contractor puts him where he



pleases; and another reason why the men are not so contented as in State's prison is, that there they have a ration of tobacco given them, and tobacco is a great want at Elmira; my own opinion is, and it is but a opinion, that one-half this content at Elmira is from the deprivation of tobacco; it is a question whether tobacco will do them any good; I am only arguing the fact of men being content without it; whether it is better they should not have it I am not saying.

Q. In your judgment is the spirit of discontent, such as may exist at Elmira, attributable in any degree to the fact that the Reformatory, that the institution at Elmira is conducted as a Reformatory, or that Reformatory influences are sought to be introduced into the institution; in other words, is it the difference between a live body and a dead body? A. I think the men all rather have nothing to do but their work and then go to their cells, than to do their work and then go to school and be subject to the restraints as at Elmira; of course a man going to Auburn or Sing Sing, is set his task to do, and when this is done and he is obedient to his keepers his work is done; he knows just exactly what he is to do.

By Mr. CLAPP:

Q. Do you consider the school part is the principal feature of the Reformatory there? A. No, sir; not altogether that, it is one of the means used at Elmira.

By Mr. KEYES:

Q. How would you characterize the Reformatory elements of the Elmira institution? A. The grading system, including of course, the system of marks; the indeterminate sentence, the parole, and the moral influences with which the superintendent tries to surround those men.

Q. Judging from your observation are the prisoners at Elmira reformed to any greater extent than they are at Sing Sing or Auburn? A. In the first place let me define; you have at Elmira men who are not yet criminals to a very serious extent; men who have been foolish; men who through a hasty act committed crime; they are not vicious; they are not criminals in the general accepted meaning of the word, not inborn criminals; and there are a large number of men going out from Elmira who never will go back to State's prison and never commit their second crime.

Q. Don't they feel the punishment at Elmira or the confinement in the Reformatory as a degradation to the same extent as Sing Sing or Auburn? A. No, sir, they do not.

Q. They retain to a certain degree their self respect? A. They do, to a very large degree; it is only the naturally vicious that really are punished.

Q. In your judgment is there a proper classification, are there not prisoners of sufficient degrees of criminality to be separated and sent to State's prison rather than the Reformatory? A. No, sir, I think they are weeded out as fast as they are found out, there are

drafts made from Elmira to Auburn I think as fast as the superintendent gives up all hope of reforming the man, he sends him off. I think that upon the system which is in vogue there the work is carried out very efficiently; there is nothing allowed to stand in the way of the system, assuming the system to be correct; you cannot better the management of the institution, and the removal of vicious men is constantly performed as a part of the system.

Q. How is the discipline at present? A. The men understand they have no recourse now and the general tone of the institution is better.

Q. Has there been any punishment inflicted of any kind or degree at Elmira since the committee visited there in consequence of testimony given by the prisoners? A. No, sir, I think not, I am sure not, and I may say to you, gentlemen, I do not know whether it is proper or not, Mr. Brockway, ever since I have been there, in conversation with him about the institution, has hoped and wished for the investigation since last September; in talking with him about the Simmons trial he felt very deeply and very bitterly, the charges of cruelty made and he has expressed in private conversation with me an earnest wish for an investigation by a legislative committee.

Q. Have you any knowledge of the bearing and demeanor of Hugh Brockway? A. No, sir; I do not come in contact with him and very seldom see him; I have no business to do with him and merely pass the time of day.

Q. Do you come in contact with Mr. Beach frequently? A. Yes, sir; my duty is with him.

Q. What do you say as to his manner and the way in which he discharges his trust? A. Mr. Beach is a very efficient officer, only that he has been I think a little lenient with the men, but I think that is part of the experiments of Mr. Brockway which have been adopted for the past year as I have understood from some of the officers there as a part of the system of reform; I wish to say as well as the prisoner has already said, that Mr. Brockway is God Almighty there; Mr. Brockway does nothing without a purpose, and that purpose is for the reformation of criminals; he is a thinking man, but I do say that I am not in sympathy with everything there.

By Mr. FARRAR:

Q. Do you think as a reformatory measure that the men working as they do are in condition to receive much benefit from their school? A. That is a very broad question; in the first place the men don't like school, it doesn't matter whether they work or not, they don't like school, they wouldn't like school if they had no work to do and they don't like it now; they derive some benefit from it, they learn to read and write and learn to use their mind; if mental effort is a part of reformatory discipline then the school is useful to them, if the sharper you make those men the more you can reform them then it is useful; if he is viciously bad then the school does them harm for you put it in their power to do more wicked-



ness than they otherwise could do ; if the institution of the school is to be carried on for the purpose of pleasing the men then it is hurtful because they don't like it; there is nothing except the deprivation of tobacco that they hate so much as school.

*Emil W. Krackowizer*, recalled and examined by the chairman :

Q. You have been acquainted with the Elmira reformatory from its organization? A. I settled in Elmira in October, 1877, and the working of the institution began then or thereabouts; the ground was open and the buildings going up before.

Q. During this period you have been an occasional visitor at the institution? A. I have been.

Q. Know more or less of its management? A. Yes, sir; first on the invitation of the managers, Dr. Wey and Mr. Thurston, and also Mr. Brockway, and at the trials of both Abbott and Simmons, was in constant attendance as a reporter and have since that time given the institution considerable thought.

Q. You are acquainted with the superintendent and board of managers? A. I am personally, with them all; I say personally with all, except the superintendent of the prisons, who is ex-officio a manager; I never knew Mr. Pilsbury but I know the other gentlemen, Judge Thurston, Dr. Wey, S. T. Arnott, Mr. John I. Nicks and David Decker.

Q. You are familiar with the law under which the institution is organized, and rules and regulations of the institution? A. I am acquainted with the rules and regulations of the institution as far as it is possible for an outsider who has taken every legitimate outside means to find out and become acquainted with it; the rules are not reduced to print but the theory upon which it is founded I have followed up in books and otherwise.

Q. You understand the institution to be organized especially upon a reformatory basis? A. That is the principle.

Q. Can you state to the committee the leading principles upon which the institution is founded and conducted? A. I think I can fairly, but I may fairly epitomize the law which you of course are all acquainted with; it is within your reach, the statute of 1877, and also of Mr. Brockway's latest pet essay upon the subject of indeterminate sentences; the gist of both appears to be that — at all events youthful and inexperienced criminals should not be punished so much on their own account, or for society, but that especially on account of society they should be reformed; not so much for their own account as for society; upon that principle postulating the needs of society as determining the matter; the superintendent holds the indeterminate sentence, as it is modified under the act of 1877, the indefinite sentence is essential to the plan of thorough reformation; there is a difference between indeterminate and indefinite as I understand the term is used by Mr. Brockway under the term indeterminate sentence the superintendent should be allowed to keep the man for life if he saw fit, or discharge him at the end of the year;

but under the indefinite sentence the minimum and maximum is postulated under the law.

Q. There are both indefinite and indeterminate sentences under which convicts are sent? A. Not as I understand the terms, an indeterminate sentence would be for the court to send a man once for all, or put the man in the institution once for all under the authority of the superintendent, for him to decide when it is proper to let him out; if a man should prove absolutely incorrigible and vicious in his opinion, then he might be kept for good and all; but if he shows sufficient reformation at the end of the year he might let him out then; the indefinite sentence however leaves it undefined between two terms the minimum and maximum.

Q. What would be the minimum term? A. Whatever the men were sent up for; I suppose a year would be the minimum at all events.

Q. Have you had occasion to observe the effect of this reformatory principle upon the prisoners, especially upon paroled men? A. I have never had any opportunity to notice that; the paroled men, as you probably know, are all of them consigned, as it were, to some locality where the board of managers have so-called supervisory right to control their mode of life and occupation, and are supposed to provide them means of occupation; the men so shipped directly from Elmira, I think, except two or three whose homes are in Elmira; one of them, Cole, testified before the committee, and the other one, Minch, died; and with their cases I am tolerably well acquainted.

Q. You have seen more or less of Mr. Brockway during his connection with the institution? A. Yes, sir.

Q. What estimate have you formed as to the manner in which he discharges his trust, as the head of that institution? A. I desire to be very explicit and fair; and will say that as a matter of opinion I believe Mr. Brockway to be perfectly, rigidly convinced of the propriety and excellence of his system; and that system once given, I also believe he carries it out to the best of his ability; and that means to the best of any one's ability, so far as I am able to say; but I believe as firmly and can give my reasons for it, that it is utterly beyond the power of any one man to carry out such system as he himself maintains it should be carried out.

Q. Give us the grounds upon which you base this judgment? A. There are two sides to it; one is eminently practical; I will take up the first, first; it is evident that the sanitary control and reformation of whatever vice or ill-health which may be necessary to the final healthy graduation of any healthy convict; that that is one of the functions belonging solely to the superintendent; another would be the unimportant close study of the soul; if you please without any cant — to the proper culture of the good and bad elements in the man's character; this is solely under the control of the superintendent; the functions of doctor and priest so far are essentially his duties; the school proper is not under his immediate control, that is to say,

he doesn't teach every scholar; nevertheless, it is conducted upon his dictum as to how and where and when a man shall study, and what he shall study; and the marking system has largely to do with a man's being in this division or that division, and the superintendent's estimate of a man's capacity is derived very much from the history he gets out of him, and the study he makes of his character; whether to put him to the study of psychology, or mathematics, or long division; furthermore, of course the department is under his control entirely, so far as the management is concerned; you have heard through able testimony before you to-day, again, that to all intents and purposes, there is no one but the superintendent who decides what work a man shall do, and when and where he shall do it; and so I might go on and enumerate, and up to within a year the superintendent had the management of the institution, and I think if the committee were to take into account these facts, they would find, that, of his own free will and choice, the draughter of the law of 1877, Mr. Zebulon R. Brockway undertakes to do a task herculean, beyond the power of any one man to accomplish; it is alleged by convicts that they have been kept in solitary confinement, one, two, or five days without bread or water; it is also in evidence that Mr. Brockway acknowledges that he does not attend the solitary; can't do so sometimes oftener than once a week; it is therefore absolutely impossible for him to know or say that within any given time, such and such cruelties, alleged or actual, shall not have taken place; and it is evidence that a number of convicts have gone about with lacerations caused by the melted iron falling upon their feet; and another with the chills and fever, so called, because he didn't see fit, for one reason and another, to consult the doctor; it is obvious that a great amount of disease, filth and otherwise may be contained in that institution and propagated into disease without a properly constituted authority being aware of it, or able to remedy it; that is the practical side so far as I know or am acquainted; under the original law to which this is supplemental, certain salaries are stated, and there is an endowment, I believe, for a physician; as you know it is in evidence that a young man, non-resident, living any where between two and three miles from the Reformatory, calls there ordinarily three times a week, and in case of an accident, is called two hours too late, as in the case of the hanging; I submit the institution should have an elderly experienced resident physician, who has authority, of course, in the sense of subordination to the superintendent; but this duty shall be well defined within a certain line, whose walk and conversation shall be — his duty to find out the diseases, and search into the welfare and ailments of the convict; and warn them, and teach them; help them by medicine as well as counsel; that would be an act of reformation indeed; study the disease of malingering; and onanism is also a vice that should be checked, which leads to the vicious lassitude, and might only be remedied by the officers giving close attention.

Q. Do you understand whether the physician ever gives instructions as to the evils of this vice? A. I am not aware of it; I have sought to ascertain through conversation and otherwise, and through a clerical friend who is very intimate up there to find out whether such is the case, and I understand that such is not, though an individual may have been warned occasionally, and whereas they are taught psychology they are taught nothing of physiology and whereas their anatomy is treated occasionally very nakedly, anatomy pure and simple is not one of the courses of instruction; well, now I have taken a great deal of pains to get excerpts from the article to which I referred, though I do not consider it a deep one, from Mr. Brockway's paper submitted and read at the annual meeting of the Social Science Association at Saratoga in the year 1880, and a report of which is contained in No. 13 of the Journal of Social Science on pages 156 to 159; that paper is not so much a defense as a laudation of the system of undetermined or properly called indefinite sentences; among the numerous statements contained I submit the following as one: Mr. Brockway makes the statement that of a given hundred, although there is a slight mistake in his calculation, hundred of convicts, forty-four per cent. inherit vicious tendencies through parents that were intemperate, grossly ignorant, licentious epileptic and paupers; twenty per cent. inherit viciousness through parents that were intemperate, ignorant and paupers; fourteen per cent. inherit their viciousness from parents and persons of extreme nervous irritability amounting almost to insanity; twelve per cent. being individuals who inherit it from parents intemperate and paupers; four per cent. only coming from absolutely healthy stock; I am not in position here and now to contradict those statements, but I should deem them largely exaggerated; but admitting that to be the case, admitting these tendencies to be inherited, I would submit the further thought whether it is wise to raise the devil in a young man by depriving him of the use, it may be said sedative use—there is but little in it but licorice and cabbage—use of tobacco; it is in evidence that that is believed to be one of the chief causes of discontent, and as was alleged, at least indirectly through the management, the cause of the late revolt was occasioned by the men's demanding a ration of tobacco, as the rations are given in other prisons; where then intemperance and illness of various kinds are transmitted according to his own table to such an extent I submit that rasping the convict by the deprivation of a trifling and soothing use of tobacco, that that is unwise, and it characterizes the tendency to hobby riding and where there is so much of disease as the superintendent seems to think handed down to the criminal there ought to be that medical supervision of which I speak, and that also is not given them; in another place the superintendent says that by far, as is already in evidence to-day, by far the largest number of those who come to the Reformatory are young, not hardened criminals, but young men who have got here through ignorance, perhaps, impulsive youths who rush headlong into crime with no just appreciation of the consequences; it cannot have es-

caped the committee that the shrewder and oilier tongued and vicious a criminal may be, the more experience he has had in a penal institution, the surer he is to get out quickly and the more ignorant and impulsive and rash a young fellow is the more likely he is to butt against numerous little restrictions that make life hard for him; those restrictions bring us down to the marking system, and are so numerous and so dispiriting it seems to me the system cannot be upheld; do you think it possible for one man if he has nothing else to do the whole month through to decide how he shall mark five hundred and thirty-nine books of convicts at the end of the month so as to give them their exact standing, not in percentage, but on the small basis of three threes; it seems to me on the face of it it is an impossibility, and unless he had one skilled man given up to that particular purpose it would be impossible for him to mete out equal and exact justice, and in addition to his immense labors to require him to do that is an absurdity, consequently injustice must be rife, and that being so creates an obstinacy; and others in order to get out will make lying reports, one of the factors that has been dwelt upon is the fact that first grade prisoners are often employed as monitors, and it is in evidence that if they don't make reports of marking or reduction it is supposed to be because they are either partial to their charges or are not attentive and all that.

Q. Do you say in your judgment there ought to be in such an institution, in order to carry out its reformatory design, a graduated standard adopted to the varying capacity of the prisoners? A. To supply a remedy other than merely indicating it would be the height of preposterousness and out of my power.

Q. Do you indicate then, as your opinion, that the existence of the fixed and inexorable standard to which prisoners, irrespective of previous condition, are subject, is one of the obstacles of reformatory success? A. Yes, sir; and I base that upon my experience as a school master; every school-master knows that the marking system of course has some good sides, but that it breeds undue rivalry and the desire to get the marks rather than accomplish the tasks, and if the marks are not received it breeds despondency and discouragement; in schools they have a system of marking, a mere lack of marks does not incur a penalty, while in the Reformatory it brings about a degradation in addition to not gaining any thing, and all that which produces vicious rivalry and also cheating and despondency, and so on, among the children in the public schools is multiplied infinitely when applied to an older and of course a more hardened set of men in the Reformatory; what I was especially desirous of calling the committee's attention to, is that by a careful examination of the managers and superintendent and of the books of the institution, they would find such a multiplicity of duty and such ramification of each especial duty, so intricate a system and so hard a system, which is, however, relaxed in the case of one or another individual unjustly, that they will come to the conclusion individually, that if that particular system is not vicious, then, at least, in



order to carry it out, will say half a dozen men shall be employed for that purpose, each within his sphere ; if, however, the system in itself is vicious, of course a totally different plan would have to be adopted ; I am just informed about a feature of the law which makes one point very clear, and that is the appointment of the officer, for instance, the chaplain and officers are subject wholly under the law to the will and judgment of the superintendent, and I think it is susceptible of proof that if the board had any voice in the matter they would employ a physician at a full salary, resident there ; not only does the law deprive the board of managers of a great many privileges that they ought to have, but as a matter of fact, whatever privileges they do have the power of the superintendent is so great, his personal character is so strong, I say it to his own personal praise, is so strong, that the board of managers are really but a consenting factor, and not an ordering or organizing factor ; it seems to me, although I would not have the committee understand that I take no stock in cruelties actual or alleged, that among the abuses, the chief abuses and those of more recent date and that are bound to grow as the system advances among those abuses I have enumerated some that should lead to an extended investigation, which will so strengthen and simplify that system and so help the superintendent by judicious subordinates and by giving him the necessary adjuncts, that it will result in a much more useful institution than it is now, or it will be found the entire working of the institution is a vicious one and should be radically changed ; I am sorry of these words ; one of our most prominent clergymen, when he visits the Reformatory, is in the habit of addressing him, " Well, how is God Almighty to-day ; how is the little Universe ? " it is a matter of fact that the power is so great that the investigation as held so far will leave the matter entirely open, and from what I know of the intense good and evil of the press and of a certain portion of the community in Elmira as well as New York, I know that constant agitation as has taken place during the past year will continue during the coming year, and there will be renewed investigation called for next year, till a definite and exhaustive and final report shall be given uninfluenced by the magnificent yet baneful influence of Mr. Brockway.

Q. You mean the power of the administration in that institution should not be vested so largely in the superintendent, but in the board of managers that the position of the superintendent whoever he is, should be that of a subordinate, controlled by the board of managers ? A. I do not give that as my opinion ; I do not believe it is possible for a board of managers to rule Mr. Brockway in any sense, they can not, but I do believe when the law gives Mr. Brockway a number of helpers, a chaplain, a recognized, elderly, bright medical authority, that they should have a controlling voice in some direction ; it has been said there is a God Almighty up there, and I say it reverently in the shape of a Trinity ; we have seen it expounded ; the father having charge of the department and being the superintendent, and the son being contractor, and Prof. Ford being the Holy Ghost, and Mr. Brockway tells you with the greatest suavity as to how he forms an estimate of the character of the men within

those three or four hours, and tells whether they shall go to the foundry or brush shop, or shall stay in the office, whether they are fit for the psychology class or arithmetic, and I submit this is utterly impossible; his judgment should be supplemented by that of the physician or contractor; the person who is in charge of the work can judge best most assuredly, and his true capabilities can not be ascertained till a thorough examination has been had and some time has elapsed can that matter be decided upon and also as to his position in school; the statistical table Mr. Brockway has submitted I can prove is mathematically and entirely illusive.

By Mr. CLAPP:

Q. Do you consider the present physician to be sufficiently competent by virtue of medical experience? A. I do not wish to take that ground; I will say that I believe that young Dr. Wey is a chip of the old block and is a very able and very intelligent young physician, and for the duties he is now performing, he is abundantly able to perform them, but I think he should reside in the institution, by all means, and devote his undivided attention to the institution.

Q. Do you consider the marking system the principal objection to the Reformatory? A. I think it is the most vicious part of the system, but the worst thing of all is that one man should be compelled, but under his own law to be sure, to perform such an immense task.

Q. Do you understand that it is necessary to get six successive nines to be advanced? A. So I have understood.

Q. If he gets five and loses one, he will have to go back? A. Yes, sir; there is a certain power of restoration; if a man loses a mark without viciously losing it, it may be restored.

Adjourned subject to the call of the chair.

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ALBANY, N. Y., *April* 22, 1882.

*Lloyd Gould*, sworn and examined:

By Mr. KEYES:

Q. Where do you reside? A. Elmira.

Q. What is your business? A. Foundryman.

Q. How long have you been in that business? A. I went to apprentice in 1857, and I have been engaged in the business since 1864, with the exception of the last year and a half I have been employed by others.

Q. You have resided in Elmira how long? A. Resided there since one year ago with my family, and a year ago last January myself.

Q. Was you ever connected with the State Reformatory at Elmira in any capacity? A. Worked there nearly ten months.



Q. In what position? A. Foreman of the foundry.

Q. Under the Thomas contract? A. No, sir; I worked from the 1st of September, to the 19th of October, for Mr. Thomas.

Q. Do you know what the tasks are that are required of prisoners at the Elmira Reformatory in the foundry? A. I know what they were and I don't know what they are now; I haven't been there since October.

Q. How did the tasks compare with those required of men, or with the work performed by men in outside establishments? A. All men are not constituted alike; I should take the tasks as a fair average day's work.

Q. In your judgment was there any good ground to complain on the part of prisoners on account of the tasks imposed on them in the foundries? A. The most ground of complaint would be with the new men.

Q. The maximum tasks for experienced men you think was not unreasonable? A. No, sir; not at all; men in good health and who understood his business.

Q. I understood you to mean that in the case of new men that proper consideration was not always exercised in determining the amount of work to be required of them? A. I don't think there was quite.

Q. Were stated tasks required of new men? A. I believe they were, yes, sir.

Q. How would those tasks compare with the tasks required of experienced workmen? A. Well, the tasks required of a new man would — put in the — of an apprentice going to work in a new shop; some done their work and some couldn't; not adapted to it at all.

Q. You have found great difference in the aptitude of men for learning different kinds of work in a shop? A. Yes, sir.

Q. Is it practical in your judgment to fix a just standard of work to which all prisoners in a given part of the foundry should be required to conform? A. I don't think you could.

Q. What would be the effect in your judgment of adopting a varying standard requiring so much of one man, and so much of another; how would that work? A. What do you mean; take his ability or constitutional ability to work?

Q. Taking his whole working capacity, mental and physical? A. That is the standard now for new men; they have a given time to work in without being charged for any thing at all, and then they have another given time to work and produce so much, and it goes on for four weeks; they are supposed to be practical moulders in four weeks and get out a full man's work; and it is supposed to take a man about three years to learn the business; foundry apprentices are usually apprenticed for three years in this country, and seven years in the old country.

Q. After men have been there a month you say all men in the same employ and at the same kind of work are required to do the same amount of work? A. Yes, sir.

Q. What would be the effect of changing the rule so as to adapt the work to the capacity of the workmen? A. It is not easy to do that, where you do work by contract.

Q. What would be the effect of such a rule upon the prisoners? A. They would all want the easy jobs.

Q. All claim to be equal only to the lowest amount of work?

A. Yes, sir.

Q. Then in your judgment it is necessary in order to the proper discipline and working of the shop that the standard should be the same for all experienced workmen? A. Yes, sir; if you are going to have it at that, if they are going to be tasked.

Q. Have you any knowledge of any cases of oppression or overwork in the foundry where prisoners have been required to do more work than they were able to? A. Yes, sir; I have known several where they were not strong enough to do the work they had to do, but they struggled along and did the best they could.

Q. Can you name any particular instances? A. I had one man in the shop there that was a good deal trouble to me; his name was Delaney; he was diseased and all eaten up with some disease or other, and the minute he began to sweat those fever sores, he called them, stunk; he was required a task to do and I helped him all I could, although I couldn't work along side of him more than two or three minutes at a time.

Q. How long was he in that condition? A. He was in the foundry two or three months while I was there, and he burned his foot and went into the hospital; Mr. Coleman allowed his brother in the afternoon to help him four hours, which his brother did till he gave up himself; he had a pretty good day's work of his own to do and he finally gave it up.

Q. Were the prison authorities advised of his condition? A. Yes, sir.

Q. Have you any knowledge of the fact? A. I have reported him myself.

Q. To whom? A. Mr. Coleman, their manager at the time, and keeper, Mr. Dunn.

Q. What did Mr. Coleman say to your report? A. He said just as well there as anywhere else, and let him do as well as he could; his brother was helping him which was really against the rules.

Q. Was his case reported to the physician? A. I presume it was.

Q. Did this prisoner continue in the foundry? A. He did until he got pretty well discouraged; then he poured a little iron in his shoe and went into the hospital, and then tried to get out; I believe since he is in Auburn; he tried to get out of the hospital window while laid up with his burnt foot; he was pretty obstinate and didn't seem to care whether he got his marks or not; but he wasn't really able to work, and he wasn't a fit man to be right around so many others, diseased from head to foot.

Q. Offensive? A. Yes, sir.

Q. Do you think of any other case? A. Oh, there was quite a good many that used to complain, but I never paid no attention to them at all, because it is natural to try to shirk the work and get out of it; try to get me to relieve them.

Q. Who was the principal keeper while you were there? A. Mr. Beach.

Q. Did you know Mr. McKelvey, the former keeper? A. No, sir.

Q. What is Mr. Beach's character and conduct as an officer of the prison? A. I should say he was rather of a gentleman.

Q. Very good officer? A. Yes, sir; I don't think many of the boys find a great deal of fault with Mr. Beach.

Q. You saw nothing which in your judgment indicated tryannical or despotic temper? A. No, sir; I never saw him but once; at noon time there was a fight at the landing of the brush factory stairs; they rolled down the stairs, and the one on top was clubbing the other, and Mr. Beach went there and picked him up, and as he went to get, he tried to strike Mr. Beach, and Mr. Beach struck him once with the cane and broke it; and the other case was where a man by the name of Fleming was making spiders; he was kind of constitutionally opposed to work, and wouldn't do it unless he was a mind to; I had to report him for not doing his tasks; Mr. Beach come in there and was going to take him out, and just as he passed in the shop Mr. Beach made a strike at him with the cane, and he saw Mr. Beach do it, and he ran and come around in the shop and went to work.

Q. Have you ever witnessed any cases of paddling in the prison? A. No, sir; I boarded there nearly four months and never saw it.

Q. Did you discover any thing while connected with the prison like a spirit of unrest and discontent, and disquiet on the part of prisoners? A. Oh, yes, sir, somewhat.

Q. Any thing noticeable of that kind? A. Yes, sir.

Q. To what did you attribute it? A. They don't like the management, they say they rather be under Sing Sing or Auburn management.

Q. Do they say why? A. Have to go to school, and do this, and that, and the other; they are required to do a pretty hard day's work with a light supper, and go in and go to school, and they don't feel much like it.

Q. Did you learn of any specific ground of complaint any further than the general dislike of school? A. I think seven-tenths of the inmates are decidedly against the marking system.

Q. You think that is one ground? A. I have known more dissension in the foundry through that than any thing else, because there was nights in the week I believe they have corn meal, or oat meal mush, and there was nights they had bread and molasses; some of the boys got in the habit of saving their bread out, and I knew several that would hide it in their buckets, and if that was

found there they lost three marks ; several boys felt very sore about it, that were good in conduct and labor, with that exception of school ; I have known them to bring bread right inside of their shirt bosom, and if it were known they would lose three marks.

Q. Do they claim they are not properly marked by the general marking system ? A. General marking system — take a young man pretty fair in conduct and he is worked right up, and for some little trivial offense be set back two or three months makes them feel sore.

Q. Do you think the marking system tends to stimulate them to good behavior, to efforts to shorten their term and get out on parole ? A. I think the marking system demoralizes them ; they are a selfish lot of critters and ready to report each other to keep them in ; one bad one will get a dozen pretty good ones into a hole in spite of themselves.

Q. You think there is no genuine fellow-feeling among them ? A. Not at all.

Q. I would like you to tell any facts that lie within your knowledge relating to the practical workings of the marking system, and state as fully as if I asked you specific questions ? A. That is about all there is, I don't know how it is now ; first grade prisoners used to act as monitors, and the rest of the prisoners were totally down on that ; didn't satisfy them at all, marked them for trivial offenses which might be overlooked, and a word of caution would put them on their guard ; they are annoyed more or less by others ; one annoys the other, and will get him to speak to him and there goes a mark ; outside of the foundry I don't know much about it, but as far as the foundry is concerned I think it is a nuisance and ought to be abated ; it is almost impossible for them to get along without asking assistance from one or the other during the day ; I had a case that came near proving serious for the man ; he had a very heavy job, and just came from the solitary, and was worn down to skin and bone, and had the hardest work in the shop, more than an able bodied man should do ; he refused to do the work, and all I could do was to report him to the keeper ; well, " he says, " what do you think about it " when I reported him ; I said, " I have no business to think at all, I am here to act as I am told ; " I said, " the flask is too heavy for him to lift alone, " and the other man has all he can do without helping on this side, but they wont allow him to do it ; he was called up to the stand, and the keeper told him he must go to his work, and he stood up and refused to do it ; some one told him what I said ; he went out and told Mr. Brockway I said the job was too heavy, and Mr. Brockway come out and asked me, and I told him, I had told him that all I could do was to tell him to do the work and help him all I could ; Mr. Brockway seemed satisfied with the explanation, the job was too heavy for a man, and he was run out, and he come back and he went to work ; they changed his job right away, put up one of them large flasks and afterwards it was a smaller one.

Q. What was his name? A. O'Dee; it was supposed he was doing the same task, and he was not.

Q. What proportion of the men are imperfect in their marks? A. That I couldn't tell you, there is a great many of them there.

Q. What proportion of men under your observation in the foundry were perfect in their work, and conduct, and school, and what proportion were imperfect? A. While I was there I do not think more than one third in the first grade; there were second grade men that were just as perfect.

Q. What proportion were perfect in their tasks? A. I rather think about two-thirds of the men, or more, would keep their standard up so far as their work was concerned.

Q. You have no means of knowing definitely what the exact proportion is? A. No, sir; I never saw the books, but when they told me they were shorter for that month, and they had to make up so much, is what I would know about it.

Q. What further would you like to state to the committee going to show generally any evils that may exist in connection with the management of the prison further than you have already stated?

A. Nothing more than I think it is a very expensive institution for the State, and if it is turned into a State's prison it would be better.

Q. The transformation would be for the interest of the State and prison? A. Yes, sir; nine-tenths of the prisoners go out, and what they don't know of roguery before they come in they know when they go out; I judge that from the general conversation amongst them all through the prison, there is a very few cases of reformation grows out of it.

Q. Have you any personal acquaintance with any of the discharged prisoners? A. I had some in the work-shop there, and some that have been brought back.

Q. Do you know what percentage of men discharged from the Reformatory come back or are sent to other prisons? A. No, I do not know.

Q. Have you any thing to state with reference to the operation of the contract system on the condition of the prisoners? A. Nothing more than its general effect upon outside labor.

Q. What is the effect upon outside labor? A. I was manufacturing hollow ware in Troy, New York, Elmira and Auburn, started to make it, and they run me out and made me poor.

Q. Produce work cheaper than you could? A. Yes, sir; run me out.

Q. Does that result follow generally throughout the State? A. In that branch of business it is.

Q. Have you any remedies to suggest for that? A. Abandon the labor in the prison.

Q. All labor? A. That particular branch.

Q. Would you have the prisoners employed, and if so, at what? A. I believe a little as the Germans do, that solitary confinement for a year is better than five years at hard labor; I do not think the

convict ought to be brought into opposition with the honest mechanic in any shape, or form to produce any thing; an honest mechanic is one that is earning his living outside.

Q. Isn't it true that a large portion of prisoners were laboring men working at mechanical trades before they entered prisons? A. I should venture to say that seven-eighths of the men employed in the foundry in Elmira were never in a foundry before they went there; I never had found but three that had been in one before they come there.

Q. Isn't it general that the men employed in prison were employed at different mechanical trades before they went to prison?

A. It is an exception and not a rule; you will find most of the inmates of the prison are persons who depend upon their wits and sleight of hand, but not of hard work; most of the boys that come there are door-mat thieves; one young man said he was a banker's clerk, I suppose he swept the office; he must have carried bonds, for he stole a thousand dollar bond; that boy never worked in the shop at any hard work.

Q. Was Mr. Brockway in charge of the Reformatory while you were connected with it? A. Yes, sir.

Q. Have you any thing to say with reference to Mr. Brockway's management of the duties of his office? A. I never saw a thing out of the way in his management individually, personally, only as the general results, complaints about marking, but nothing I have seen myself; he has always treated me courteously; one of the boys says up there, "when he smiles it means three months, and if he pats him on the back it means six months."

Q. Have you any facts that go to substantiate what the boys say? A. Some of them claim that is so.

Q. You have no knowledge yourself? A. No, sir; the most remarks of that kind were made by sentenced men, men on their stated sentence, and had worked their time out if they had been in State's prison, but were kept there on account of these marks, and he probably smiled at them once in a while, and they said they wouldn't except any thing more for three months.

By Mr. BROCKWAY :

Q. I think Mr. Gould did not mean to be understood as testifying as I understood his testimony, where he says a prisoner in the Reformatory is required in thirty days to become a full-fledged moulder as one outside in three years; now, isn't it true, that an apprentice outside working three years learns to do a variety of work? A. They are working on a particular branch, and you give them a task to do.

Q. Isn't it true when an apprentice comes to learn the moulding trade and works three years he has learned to make more than one article? A. No, sir.

Q. Whether citizen apprentices going to learn a trade in a foundry,



and working three years does not learn to make more than one piece of casting? A. Yes, sir.

Q. Isn't it true that a person in the Reformatory in the first thirty days is required to make but one piece? A. Yes, sir.

Q. Then your statement that the same experience, and same skill is required of a convict at the expiration of thirty days that is required of a citizen in three years is not true? A. I didn't state it in that way; I said an apprentice to learn the moulder's trade should take three years, and a prisoner was expected in three months to turn out their task, but hold on Mr. Brockway, this same rule says if he is taken from one job and put on to another, he has only three days to learn the new one.

Q. Have you stated in your testimony that one man, one mischievous man could put up twelve in the hole; you mean one prisoner can keep twelve in prison? A. He might by annoying him.

Q. You said it was in the power of one man to put twelve in the hole? A. I said one prisoner by the marking system, one prisoner could annoy another, and put up jobs on another so as to put him in the hole and keep him longer.

Q. You don't mean one prisoner can put twelve men in prison? A. No, sir; I didn't mean it in that way, but I meant in the marking system by one getting the other into trouble he would be kept longer.

Q. What is done when a prisoner makes a report of another, where does the report go? A. I suppose to you.

Q. Do you know it does? A. No, sir.

Q. Do you know any thing about it? A. I know it goes into headquarters.

Q. How do you know? A. I have seen their books, and I have attended court.

Q. Do you know what supervision is had, what examination is had of these reports; what is done at that court? A. I have been in court, and I have heard you ask the boys and had them explain how things occurred, and where there was a case you thought was excusable you done so, and others you did not.

Q. You know there is certain guards against injustice towards convicts? A. Yes sir.

Q. You have in your testimony spoken of general conversation which you have had with prisoners about how they liked the marking system, and what they were sent for, and conversed with them about crimes they would be likely to perpetrate when they come out; were you advised of a rule that an instructor was to have no conversation with prisoners except about work? A. I was advised of it.

Q. Did you keep it? A. Yes, sir; I never asked a question.

Q. Did you have any conversation with prisoners about any thing else except your work? A. There was some conversation.

Q. You did not keep the rule? A. I tried to.



Q. You did not keep it? A. I think I did.

Q. And yet you had conversation with regard to other things than your business? A. A man came to me with his book marked short of labor, "did you report me?" I would say, yes, who else could.

Q. You have stated a great many things you ascertained from prisoners? A. Yes, sir.

Q. That was in violation of the rule? A. Yes, sir; likely.

Q. Then you were unfaithful? A. Perhaps, in that respect.

Q. Why didn't you resign? A. I didn't know that I broke a prison rule while I was there.

Q. You say seven-tenths of the men go out worse than they come in; do you know how many have gone out since the institution opened? A. No, sir.

Q. Do you know any thing about that, any way; say if there is five hundred prisoners discharged, do you know how many are better or worse? A. I judge from their general conversation amongst each other; I know before they go out what they mean to be after they go out.

Q. Do you know any thing about the conduct of the men who have been released, the whole five hundred, or any large number of them? A. Only from their conversation.

Q. You hadn't seen them after they were out? A. No, sir.

Q. Then you don't know? A. I can judge of the man's character by his ideas, if he tells me.

Q. Who told you? A. They talked right across the floor.

Q. How many conversed on that subject? A. I don't know.

Q. Give the name of one? A. I can give the name of three or four.

Q. Let's have them? A. There is George Vandevort is one.

Q. Give us the next one? A. Lyon.

Q. What Lyon? A. Couldn't tell.

Q. James Lyon; did he work over there by Hughes? A. Yes, sir.

Q. Who is the other? A. Another man that went down to Fort Plain, I cannot think of his name.

Q. Do you know whether Vandevort was under an indeterminate sentence? A. No, sir.

Q. Do you know whether he was sentenced by the court direct to the Reformatory, or transferred from another prison? A. He told me himself he was transferred.

Q. From where? A. Syracuse.

Q. Don't you know he was on a definite sentence? A. No, sir; when I speak of his character as not being reformed, he made the remark in the shop, he would like to commit a burglary before he left town.

Q. You consider that the effect of the marking system? A. I have not said that exactly.

Q. Do you know whether James Lyon has been released? A. I don't know.

Q. Don't you know he hasn't been? A. No, sir.

Q. Do you know his sentiments about it? A. No, sir.

Q. Do you know whether that sentiment he expressed in your hearing is an abiding one? A. I don't know; he threatened to kill my associate and myself both.

By Mr. THOMAS:

Q. You stated there was a great difference in the aptitude of men for the work they were assigned to, isn't there as great a difference in the will of the men to do the work as in the aptitude of the men; has every man that comes into the foundry, when he comes there, a perfect will to do the work; does he do all he can? A. No, sir.

Q. Or half of them? A. Very few; because they go at it—they don't have any will to do it at all.

Q. Isn't it more for deficiency of will than aptitude? A. Might class it in both.

Q. Who makes the tasks there, or who did when you were there? A. Tasks were all made before I went there; I don't know who; each moulder was furnished with a little pass-book and the task copied was put in there; the copy I have here now, which I got from Mr. Meddaugh; the most of my information, so far as that, came from the keepers.

Q. Did you ever know an appeal made to the superintendent by a man who was short of work in his first month, short in his task?

A. I don't know whether they appealed to the superintendent.

Q. Did you ever know one mark short for labor the first month? A. Yes, sir.

Q. Did you know Mr. Brockway had the right to count a man even in the first month? A. I didn't know that; he can pass on any, I suppose.

Q. He marked the men? A. The keepers marked them.

Q. Who marks the mens' books? A. That was generally done in the office.

Q. How long do you think it would take a young man of seventeen and eighteen years of age to learn to make fifty-four spiders a day, of ordinary intelligence? A. Good spiders a day; with a single flask?

Q. Single or double? A. Well, he ought to be about as proficient in that in two weeks as in six; a double flask is too heavy.

Q. The task ought to be learned in two weeks, on spiders? A. Yes, sir; with a single flask.

Q. Take straight kettles; how long had it ought to take for a man to do his full task on straight kettles? A. I have known men up there that worked for months and months and they haven't been able to make a straight kettle yet, hardly.

Q. You say it doesn't take three years if the man does his task in three weeks? A. You understood my statement so and perhaps

I ought to have qualified it; the men there are all young men that never done any such labor, and in four weeks time he was supposed to have his muscle worked up where he was able to do a day's work that a man could who had worked at it for years.

By Mr. Nicks:

Q. You stated after he had been there four weeks he must have his task? A. Yes, sir.

Q. And that that task was equal to what a citizen's would be, outside; what an average citizen, as a moulder, would do? A. Yes, sir; there is a few exceptions to the whole list.

By Dr. Wey:

Q. Have you any personal knowledge of the effect upon the body and mind of the men in the silence system — any personal knowledge? A. No, sir; only remarks made by those that have been there with them, that they had just about as lief be there as anywhere else.

Q. Have you ever been in the Pennsylvania solitary? A. Never have.

Q. Have you seen prisoners that claimed they had experience in the Pennsylvania solitary system? A. No, sir; nothing outside of what some said in the Reformatory.

*Frank S. Howell*, sworn and examined:

By the CHAIRMAN:

Q. Where do you live? A. Elmira; resided there since 1865.

Q. What is your business? A. Working for the Erie Railroad Company now, at the freight house.

Q. How long have you been in their employ? A. Probably four months.

Q. Were you ever connected with the Elmira State Reformatory? A. Yes, sir.

Q. In what capacity? A. Went in at first as a night watch in the solitary; I had charge of night men from September 1, 1880, to the middle of March, 1881; then I was put in the hollow-ware shop and was there till July 4, 1881, as keeper; since then I have worked for the United States Express Company, and at the Erie freight house.

Q. Have you had occasion to observe the operation of the marking system upon the convicts? A. Somewhat.

Q. State what you know about it? A. In one instance, a man by the name of John Fulgner hung himself.

Q. Do you know what led to the suicide? A. He claimed being marked for his tobacco and talking; he didn't commit it entirely for I cut him down before he died.

Q. You had conversation with him prior to the attempt? A. No, sir; when he came to I asked him why he did it and that was his answer, that he did it because he was marked for tobacco and talking.

Q. Did he claim he had been unjustly graded? A. That's what he claimed.

Q. Did he attach blame to any particular person? A. Yes, sir; keeper of his shop.

Q. Who? A. Mr. Thompson.

Q. Have you any knowledge as to the truth of the allegations? A. Nothing only he was marked.

Q. Do you know of any other case? A. A man by the name of Peter Day attempted to hang himself and very near the same time; he made several attempts to hang himself; he claimed he was kept in the solitary and his leg swollen up so he couldn't hardly stand on his feet; he went so far as to make a rope out of wire that they drew brushes with and tried to hang himself; he claimed he couldn't get along with the marking system at all, couldn't get his nines or earn his marks.

Q. Was he defective in work or conduct or school? A. I couldn't say; conduct, I think, and school, both, I believe.

Q. Did he complain of being required to tend the night school? A. No, sir; he was a kind of sullen and morose man, very quiet, naturally get but few words out of him.

Q. Have you any knowledge as to whether he was improperly marked? A. No, sir.

Q. Have you any knowledge as to the manner in which he performed his work? A. No, sir.

Q. Or as to the progress he made in his studies? A. I don't, know anything about it only what he told me when I caught him; I discovered him before he attempted to hang himself, but he had the rope all made and tied on a bar in the cell; I think it was about 11 o'clock at night; he didn't go to sleep until about 11 o'clock and he took his shirt off once; I got a powder to make him sleep but he didn't take it.

Q. What did he say? A. He said he had been imprisoned sixteen or eighteen months and couldn't get his nines and was marked for tobacco and school and I suppose conduct.

Q. And he determined therefore to destroy his life? A. Yes, sir; to make away with himself.

Q. Any other case? A. A man by the name of Wallace Bell was to court one night and came from court to his cell and made a rope out of a sheet and jumped from his bed and hung himself to the cell door, and was discovered by a convict and we cut him down; he went to school and he claimed he went to court and was marked for something and said he couldn't get them back.

Q. Did you attend the proceedings in court on that case? A. No, sir.

Q. Did you in either of the others? A. No, sir.

Q. You have no knowledge as to the justice of these complaints? A. No, sir.

Q. Did he give you to understand he was driven to this attempt at suicide by a system of marking? A. Yes, sir; that's what he claimed.

Q. Is he there now? A. He was the last I knew of him.

Q. Any other cases? A. A man by the name of Jackson that came from New York, he tried to hang himself before he left the Tombs; he come there and was put in the domestic building and got marked there for tobacco, and he one night made a rope and tied to the door and I went down and notified the deputy of the transaction and come right back and by the time I came back he had another rope made; then I took him out of that cell—I asked the deputy if I couldn't do it, and moved into the flag and put him down in cell 315 and stripped the cell and then the following night just at school he didn't go to school, he went to work and took his sheet and tied one end on one side of the bed and got his neck into it and whirled himself around and tried to strangle himself in that way; then he was handcuffed to keep him from destroying himself and removed to cell 322, where he could be closely watched; he made several attempts there and finally he was moved into the solitary and put in the third grade and he made one or two attempts while in the solitary and the last I knew of him he was in the solitary.

Q. Did he ever state what prompted him to do it? A. That is all; it was understood when he came from the Tombs, he had hung himself in New York and was cut down.

Q. Did he state what prompted him? A. Nothing only the marking and he couldn't get along.

Q. Did he say it was on account of his being unable to come up to the standard? A. He said that, that is about all, he said; then he claimed he hung himself in the Tombs in New York because he didn't want to come here.

Q. Did he mention to you especially the marking system or the fact he thought he was not getting marked as he ought to? A. He thought he was getting marked unjustly.

Q. He told you so? A. Yes, sir.

Q. Did he state that was what drove him to those attempts at suicide? A. I couldn't say as for that.

Q. Did you judge him to be sane? A. I judge he was sane.

Q. Do you know any thing as to the manner in which he performed his work? A. I don't.

Q. Any further cases? A. A man by the name of John Caton attempted to hang himself several times; the last time he took a piece of black thread or several pieces and braided them into a rope and throwed them over the gas jet and tried to hang himself; he was in the third grade then and he claimed he couldn't get along, that he was marked for talking and finally he was taken out of the second grade and put in the first grade and was given good advice by the officers; he could not bear prosperity, he got some alcohol and got drunk and I think he was degraded again.

Q. What prompted him to the attempt? A. He claimed first it

was the marking system but after he got degraded for the alcohol business he acknowledged he was in the wrong himself, that his punishment was just so far as the alcohol drinking was concerned.

Q. Did he give you to understand that he had been driven to desperation by the injustice under the marking system? A. Yes, sir.

Q. And subsequently corrected that? A. When he got to drinking the alcohol he did.

Q. What other case? A. One case where a man by the name of McGuire; I went there one evening and he was under discipline in the solitary and strung up September 11th; I took him down at 10 P. M. and gave him a bed and no water; he was talking and I tried to persuade him to stop but he claimed some one else was talking; I tried to quiet him and finally did; he was strung up again September 14th, and I took him down at 9 P. M., bed and no water; he said some one was talking and he could not sleep; said he was not talking himself and he couldn't be persuaded to keep still; I reported him in the morning to the deputy, September 15th, and he still insisted some one was talking and he could not sleep; I reported him again to Mr. Beach September 16th, kept his talking up most of the night, September 19th he sang all night, and his song was "and I wouldn't and I couldn't," kept repeating it so that the men couldn't sleep; I gave him a powder at 11 P. M. and he went to sleep about midnight, reported to Mr. Beach September 20th; September 21st gave him two powders during the night, one at 9 P. M. and one at 2 A. M. on the 22d; took him down at 8 P. M.; January 13th strung up in the solitary, took him down at 11:45 P. M., bed and no water; strung up February 8th, took him down at 9:15 P. M., bed and no water; March 10th, strung up, took him down at 9:20, bed and no water; he would not complain; he was in the solitary the last I knew of him.

Q. State what you know as to what led to this state of insanity or desperation? A. I understand it was masturbation.

Q. Have you any reason to think that the marking system had anything to do with it? A. No, I hadn't been there long enough then to know anything about it.

Q. You don't know whether he was overworked or not? A. I don't know any thing about the character of the man then.

Q. Do you know any thing concerning that case which goes to impeach the conduct of the officers of the prison, management of the prison? A. Not in that case.

Q. Are there any other facts that you desire to state concerning the treatment of prisoners? A. I have several facts.

Q. Anything showing the treatment of prisoners? A. Here is one case I have here that was a little severe, I reported F. McGlynn spitting up blood about the 1st of July, 1880, and he was kept at work, and he was not given any medicine, for the deputy said that the doctor claimed he, McGlynn, was not sick, that he was making it because he couldn't get his nines, and he wanted to raise sympathy to get in the first grade, and he kept getting worse till they had



to put him in the hospital and he was kept there a short time and taken out and put at work; one day he refused to work and told me he did so because he was not able to work; then he was put in the solitary and reduced to third grade; he was strung up on November 27th, 1880, and I took him down at 9 p. m. and gave him a bed and no water as ordered, and January 21st, 1881, put in the hospital again from the solitary; he was very sick and kept failing and February 3d or 4th his sister came after him from New York, stayed with him one or two days, and February 5th, 1881, started with him to take him home and he died before he got there as, it was reported; when he started he had to be carried, he was so weak he could not stand, he was kept up on liquor the last two or three days.

Q. Do you know whether the physician of the prison was called to attend upon that case at any time? A. I do not know, and so far as night was concerned they were not called unless I called him.

Q. He was not called at night? A. No, sir; I remember of reporting him several times for spitting blood several times to the men who had charge at night and afterwards to the deputy.

Q. Would it be in the line of your duty to report him to the physician? A. I had no orders with regard to that; I reported him to the deputy as I supposed was proper.

Q. State any other facts? A. Another man by the name of Scott, he was a first grade man and was sick in his cell from about July 15th, 1880, when I reported him; he was taken with coughing and locked in the north block number 617, and put in the hospital a short time and put in again about January 1st, 1881, and then he was very sick; he was tubed in two places in his right side and from them offensive matter came, through these tubes; it was thick and looked a good deal like phlegm; he kept getting worse and claimed his sickness was brought on by a kick from Mr. McKelvey; January 18th he tried to choke himself to death by tying his handkerchief around his neck; he was so he was obliged to keep in a sitting position and when he died February 26th, 1881, his bones in his elbows pricked through the skin; after death he was scrubbed with a common house broom.

Q. You saw this yourself? A. I did.

Q. What was his name? A. A. Scott, Scott at any rate.

Q. Anything further? A. He claimed his sickness was brought on by that kick from McKelvey; he was in the first grade; he was in prison quite a while, I believe, and another death of a man by the name of Mahaney, he died of hemorrhage; he was in the first grade when he died, and another man by the name of Curry; December 7th, 1880, Curry was put in his cell at 10:30 p. m., orders from Mr. Beach; December 11th worked till 12:40 a. m. on the 12th before he got his task done and then put him in his cell; December 13th at 12:30 a. m., before he got his task done and then put him in his cell, working in his booth and in the solitary drawing brushes; December 15th put him in his cell early, about 8 p. m., no supper,



deputy's orders; December 31st strung up in the solitary and took him down at 9 p. m., bed and water; January 1st, 1881, strung up, bed and water, took him down at 8 p. m.; January 18th strung up in solitary, took him down at 11:45 p. m., bed and no water; strung up February 8th, took him down at 9:15 p. m., bed and no water; March 10th strung up, took him down at 9:20 p. m., bed and no water, he would not complain, he was in the solitary the last I knew of him.

Q. These statements you make upon your own personal knowledge? A. Yes, sir; they are.

Q. In the last four or five cases you have mentioned had you any personal knowledge as to the fact whether these prisoners were doing their tasks? A. As far as the McGlynn I couldn't tell only what I have read of here, and so far as Scott goes I couldn't tell about that, only what I have said; this Curry case I don't know what you would term it, he wouldn't complain any, he was drawing brushes in the booth and I came at night and he was in the booth; whether he was there all day or not I could not say, or whether he had anything to eat I could not say but my order were to put him in the cell certain hours; one order was to keep him till midnight if he didn't do his task, and one order was to keep him till he did his task if it was all night.

Q. Any further cases? A. Another little case; a German fellow, he was a runner in my shop, I think he was sent from New York; when he came there he could not read nor write nor speak the English language, didn't know the first syllable.

Q. Was his name Baum? A. No, sir; something like Long-omeir, he came there in the middle of the month and was put to grinding spiders; I was bothered with him a good deal; he was a good worker, and did his task right on the start and over his task, in fact, because the requirement was the first week was to do a quarter of a day's work and the second week to do half a day's work and the third week three-quarters and the last day of the fourth week he was required to do the full task; he came there in the middle of the month, at any rate he was there; I think it was the second time he got his conduct book he came out of the shop and showed it to me and he had a seven, and he had been marked for school when he couldn't read or write, or speak a word of the English language; we had to have an interpreter to talk to him and he lost those marks, in consequence of school.

Q. Did you have any conversation with reference to his case? A. No sir, I tried to converse with him once on such matters and he said mind my own business. I recommended one man once to him and the superintendent told me I should not meddle with the grades, he would attend to that.

Q. Did you ever speak to the principal keeper with regard to him? A. No, sir, after I got such a reply as that I thought I had better mind my own business and I tried to.

Q. Did you ever witness any cases of punishment by the paddle?

A. No sir, the only punishment I ever witnessed was stringing up.

Q. Did you ever discover in Mr. Beach any undue severity or harshness? A. Not to my own personal knowledge.

Q. What you did in the several cases you did in obedience to orders? A. Yes sir, in most of the cases I did not act on them till I had orders.

By Mr. BROCKWAY:

Q. You speak of Steigmeiller, the boy, could he speak no word of English, couldn't he say yes or no? A. He might have said it, but I never heard him.

Q. Do you swear he couldn't say yes or no? A. So far as my knowledge goes he could not speak a word, or read or write.

Q. If you asked him if he wanted anything, wouldn't he say yes or no? A. When he first come there so far as I know he could not speak English.

Q. When he lost marks in school do you swear he could not speak any words in English? A. So far as my personal knowledge and personal experience is concerned I swear he could not.

Q. Do you swear he could not? A. So far as my personal experience with the man, he could not.

Q. Do you know any thing of the basis upon which the school mark is lost or earned of your own personal knowledge? A. No, it is hard work for any one to know that.

Q. How do you know it is hard work if you do not know anything about it? A. Hard work for a prisoner to be marked for anything they don't know.

Q. Do you know any thing about the basis upon which the system is based? A. I don't know that I know.

Q. You speak of an occasion where you recommended a man to the first grade to me and which you say I told you substantially to tend to your own business? A. Yes sir.

Q. Who was it? A. Ben Muldoon.

Q. Had you any conversation with him about it? A. No sir.

Q. Hadn't he offered you money to recommend him? A. No sir.

Q. What was the reason you recommended him? A. Because his book had six nines on it; I know cases where a man had six nines and didn't get in there.

Q. Do you swear Muldoon had six nines and wasn't put in the first grade? A. Here is a letter I wrote to you just as I wrote it, it is addressed to the general superintendent; I have seen a man in my shop who has five nines in his book up to the 11th of April and the 18th of May will make him six, and I think it will have a good effect on him and give him a surprise and put a blue suit on him, and I recommended him for the first grade; you replied I shouldn't bother with the grades.

Q. When was that? A. aboth three months ago.

Q. Was he in the second grade three months ago? A. I was told so.

Q. When was the last you knew any thing about him? A. July 4th, 1881.

Q. You don't know where he is now? A. No sir.

Q. You don't know he is in Syracuse at work on parole? A. No, sir.

Q. You are not an expert upon sanity or insanity? A. No, sir.

A. Upon what ground do you state Johnson is sane or insane? A. Rational in his talk.

Q. When is a man insane? A. When he is out of his head.

Q. When he is out of his head? A. When he don't know what he is saying.

Q. When did you leave the employ of the Reformatory? A. January, 1881.

Q. Why did you leave it? A. Because I was in hot water all the while.

Q. Why? A. Because you wrote one letter to me and wrote one way, and I answered your letter and you re-answered mine in a second way; and I went to you at last personally, and you said you told them to praise me up; that I was doing as well as any man could be expected to under the circumstances, and I only needed praising up, and that I had done better than any man in the hollow-ware department; I couldn't suit you.

Q. Have you applied to be re-employed since? A. Yes, sir.

Q. Were you? A. No, sir.

Q. How long ago was it? A. I couldn't say.

Q. Do you think the weather would be cooler now if you should come back? A. No, sir.

Q. Why did you write? A. To see what kind of an answer I would get from you.

Q. Just for amusement? A. Partially.

By Dr. Wey:

Q. Was this threat or attempted hanging—isn't that a common expedient for the purpose of creating sympathy? A. As for that I could not say.

Q. Hasn't there been such cases where the parties attempted at an hour when the officer is in convenient proximity? A. Not always.

*H. H. Peters*, sworn and examined:

By the CHAIRMAN:

Q. Where do you reside? A. Elmira.

Q. What is your occupation? A. Bricklayer by trade; haven't worked at it since I left the Reformatory.

Q. Have you been connected with the State Reformatory? A. Yes, sir.

Q. During what period was you there? A. There about a year; I went there, I think, some time in July, 1876; I was there about a year as near as may be; I don't remember the date exactly.

Q. What position did you occupy while there? A. Overseer.

Q. What duties had you? A. Overseeing all the prison work going on.

Q. Prison work done by convicts? A. Yes, sir, and citizens both; building walls.

Q. Who was the principal keeper at the time? A. Mr. McKelvey.

Q. You had occasion to observe his manner of discharging his duties? A. Yes, sir.

Q. What was there concerning his treatment of prisoners? A. I should say, if anything, he was rather too lenient with them.

Q. Did you ever see him punish prisoners? A. Yes, sir.

Q. State what particular prisoner you ever saw him punish? A. Yes, I can remember one name, is all I can remember now, and I think his name is Benjamin Whitfield.

Q. How was it inflicted? A. He was handcuffed up to his cell door.

Q. Did you ever see a prisoner paddled by Mr. McKelvey? A. No, sir.

Q. Ever see him string up or beat any prisoner? A. I saw him strike a prisoner.

Q. What for? A. The prisoner run at him with a piece of board about four feet long.

Q. Who was it? A. The man I had making mortar right by the corner—Rafferty.

Q. What is there about that? A. All I know, John came along and Mr. McKelvey ordered him to do something and he wouldn't do it, and McKelvey was going to take him into the hall and he struck at him with his hoe, and McKelvey warded off the blow and struck him with his cane; he went partly down and he got up and came again; that time it was you couldn't hardly tell whether it was a blow or push, and he went over in the sand pile, and the next time he came up he grabbed him and put him in the hall, and Mr. Brockway come and talked with him, and in the afternoon the man was out to work again.

Q. Did you also witness other cases where the principal keeper had occasion to strike or assault prisoners? A. No, sir.

Q. That is the only case? A. Yes, sir; the only case I ever saw him strike one.

Q. Have you any knowledge of any undue severity? A. No, sir.

Q. During your connection with the work in the prison were you in position to know what was going on with reference to the punishment of convicts? A. Yes, sir.

Q. What was the general feeling among prisoners as to the keeper McKelvey? A. Well, I don't know as to that, more than they

thought he was pretty strict, because he was a strict disciplinarian; but the men that came from Auburn hated him very bad, from the fact they had been in Auburn a long time doing nothing, and when they came there they had to go to work.

Q. Was the marking system in operation while you waere there?

A. I think not; towards the last my duties were so heavy that Mr. Brockway excused me from hall duty; for that reason, towards the last I didn't know so much what was going on.

Q. Was the contract system in operation while you were there?

A. No, sir.

Q. Have you any thing you would like to state generally concerning the management of the Reformatory? Any evils or abuses existing in connection with it which, in your judgment, ought to be corrected? A. Well, sir, I don't know that I can.

Q. What have you to say with regard to principal keeper Beach, as to his efficieucy? A. I think he is a very efficient officer; I never saw any thing out of the way with Mr. Beach.

Q. He was there while you were? A. Yes, sir.

Q. Had you occasion to observe whether prisoners who were sick or enfeebled received proper attention from the prison physician?

A. Yes, sir; I will state here I had occasion to know, because the greater portion of the prisoners in the prison were under me at that time; very few but what were under me; if they had any complaints to make they generally came to me or some one under me.

Q. What is the manner of receiving your reports upon such cases? Were they entertained considerately and carefully? A. Yes, sir.

Q. Have you evidence that he did give proper attention to those matters? A. Yes, sir, I have; from the fact of some few instances where men were taken sick, it was reported to him and he took them right in the hall, and they were reported to the office there and the doctor saw them; I know several instances when they were sick three or four days or a week and come out to work again all right.

Q. Didn't it sometimes happen that mistakes were made by the principal keeper treating some with more severity than they deserved? A. No, sir; I don't think he did.

Q. The prisoners under your charge were employed in erecting the buildings and shops of the —? A. Yes, sir; all the walls around the first yard and first shop that was built, and mess room.

Q. These were men brought from other prisons? A. Yes, sir; towards the last I had some that had been sentenced to the Reformatory, but the greater part of them were men transferred, not to be treated under the special discipline of the Reformatory, but transferred merely to work and then to be sent back to the prisons; I don't know about being sent back; Mr. Brockway says they had to serve out their sentence.

By the CHAIRMAN :

Q. These men under your charge were not properly under the Reformatory regime? A. Not as it is now.

By Mr. BROOKWAY:

Q. I would like to have Mr. Peters state more particularly about the general cast of character that belonged to the transfers that were sent from other prisons, whether they were an exceptionally bad class of men? A. Probably the worst class of men, because a great portion of them was the New York roughs, thieves, cut-throats, pickpockets, as far as I know; I hadn't very much knowledge from the fact I didn't have any conversation with them except something strictly pertaining to business, but once in a while I would overhear it; after a while the register book was laying on the desk and I was in and saw that book, and I saw that the greater portion was from New York.

Q. You argued that men from New York were hard cases? A. They were the worst we had there.

Q. When did you leave there? A. I think it was some time in June or July, 1878.

Q. What was the reputation of Mr. McKelvey for severity or otherwise among his fellow officers? A. He was thought to be very lenient.

Q. Do you recollect any conversation in relation to him, say from Officer Musgrave? A. They were very warm friends.

Q. Did you ever hear Musgrave, in your travels, express his opinion with regard to his brutality or otherwise? A. No; I don't think I did.

Q. Never heard him say he was brutal or otherwise? A. Except at one time; one time we was all up in the large room on the third floor, one evening, and had a little music up there, and talking about making McKelvey a little present, and all the officers off duty was up there, and I know they were all warm personal friends of his, and spoke in the highest terms of him; Musgrave and Culp was there, and another one, a fellow that kind of squinted; there was a lot of us there.

Q. Was McLaughlin there and joined in the conversation? A. I don't remember.

Q. Barnhart? A. Yes, sir.

Q. Smith? A. Yes, sir.

Q. Your testimony is that the general tone of sentiment, so far as you can judge of it among the officers, was that McKelvey was what, not brutal? A. Not brutal; very lenient.

Q. Your own personal observation of him? A. I had conversation with Mr. Smith, an old prison man; a great many times we talked about it; when he had some men in the north wing, he often come around nights when he came in; he would say I would have done so and so, if McKelvey would have let me; punish men he meant; at the time he complained that men didn't do quite enough work; he told what he would have done but McKelvey wouldn't let him do it.

Q. Did you consider McKelvey a proper man for keeper? A. I



considered him one of the most generous, large-hearted men I ever knew.

Q. Did you know James Horan? A. I don't know him.

Q. Were you employed August, September and October, 1877?

A. Yes, sir.

Q. Did you ever hear of an occurrence that Mr. Horan testified to before the committee at Elmira? A. I guess I am mistaken, it was in 1876; I left there about June or July, 1877.

Q. Not employed at the Reformatory now? A. No, sir.

*Charles W. Brown, sworn and examined:*

By Mr. KEYES:

Q. Where do you reside? A. Elmira.

Q. Practicing physician? A. Yes, sir.

Q. Regularly licensed? A. Yes, sir.

Q. How long have you been in practice? A. I graduated in 1877.

Q. Where have you practiced your profession since then? A. Practiced in Mansfield, Pennsylvania, till 1877, and since then in Elmira.

Q. Have you ever been connected with the State Reformatory at Elmira? A. Yes, sir.

Q. In what capacity? A. Physician.

Q. How long a time? A. I commenced in July, 1877, and quit the first of January, 1879.

Q. Did you have your office rooms at the Reformatory during that period? A. No, sir.

Q. In the city of Elmira? A. Yes, sir.

Q. How far from the Reformatory? A. About two and a half miles.

Q. During what part of the day were you in attendance? A. Only one stated time, except appointments I made, and that was Saturday; all the time that was required was Saturday morning till we got through; every Saturday I was required to be there, and during the days of the week when I was called; when I made appointments for cases also.

Q. In your judgment, was that time sufficient to enable you to attend properly to the duties of that position? A. Yes, sir; at that time; we had telegraphic communications and could be called at once, and drive there in fifteen minutes.

Q. Wouldn't it be desirable that the physician should reside at the Reformatory? A. I think it would, with the number of prisoners they have now, which is more than they had when I was there.

Q. What do you say as to the general health of the prisoners during your term of office? A. That is stated in my reports; they were very healthy, and no death having occurred from sickness during my administration save one about the time I left — I think in the same week I left.



Q. Practically, no death rate? A. Except some that were killed by accidents; one falling from an elevator, and some fell from buildings in painting.

Q. Who was the principal keeper of the Reformatory while you were there? A. Mr. McKelvey.

Q. Were you personally acquainted with him? A. Yes, sir; not till I went to the prison.

Q. Your acquaintance with him was limited to the time of your being associated with the prison? A. Yes, sir; I had seen him a few times before.

Q. Did you know him intimately? A. I did.

Q. Were you ever called to attend him medically? A. Yes, sir; treated his family.

Q. You were his family physician? A. Yes, sir.

Q. What have you to say with regard to the general character and temper and demeanor of Mr. McKelvey as principal keeper? A. I should say he was a gentleman in every respect.

Q. Did you ever have occasion to observe the manner of his treating the prisoners? A. Yes, sir; at every visit; I seldom went to the prison when I was not called upon to go around with him to see any case of punishment that was being pursued.

Q. Was he in the habit of mentioning to you cases that required medical treatment? A. Yes, sir; always would; and never heard a person say he was detained from seeing the doctor if he made the request; it was understood they had a right to see me if they spoke to their overseer or keeper, and that they could see the doctor at any time; I was not aware of any case that they were detained from doing so, while many times they came where there was no reason for it except to shirk their work.

Q. You think shamming was common among the prisoners? A. Not so very common, but a few boys.

Q. Was Mr. McKelvey in the habit of talking with the prisoners and advising them? A. Yes, sir; I have heard him giving them advice, what he thought was best for their good, and talked kindly to them; I remember Brady, and O'Dee, and Scott and some others that were frequently up.

Q. What do you know with regard to O'Dee? A. Well, only remember that he was frequently before me for something, some complaint to make.

Q. Ever hear McKelvey say any thing about his case? A. Nothing in particular, only he allowed him to come and see me whenever he asked to.

Q. What about Scott? A. Scott was received at prison, I think, with secondary syphilis and had it very bad; was treated for it.

Q. Was Beach there during your term? A. Yes, sir.

Q. Did you witness any cases of punishment under Mr. McKelvey? A. Yes, sir.

Q. Paddling? A. No, sir.

Q. What mode? A. I was asked to go to the solitary and see

the men that were there, to see if they were sick; McKelvey always said, "now we don't want to punish this man if he is sick, and I want you to go down and see him, and if he is sick we will send him to the hospital; he refuses to work and is being punished for that; we would like to know if he has just cause for refusing, and if the cause is really sickness we will not punish him." I was repeatedly told that; I would go to the solitary and find the man handcuffed up to the door and on short rations, and talk with him and ask him if he felt bad, and examine him and look him over, and frequently took their temperature to see whether they were shamming; and always, if they were really sick, he was not punished after that.

Q. Any cases or attempted suicide while you were connected with the institution? A. I was not aware of any.

Q. Had you any knowledge of the case of the prisoner Tibbetts? A. Yes, sir; he was there, I saw him frequently.

Q. What was his state of health when you first knew him? A. He was a chronic masturbator and hardened citizen.

Q. Do you know any thing of the punishment inflicted upon him by Beach? A. My attention was not called to any punishment except his being kept in the solitary and standing at the door, and so on.

Q. In your judgment, then, keeper McKelvey was humane and considerate and an efficient officer? A. Yes, sir; I have been repeatedly called at night — at different times at night — as late as eleven o'clock, and found Mr. McKelvey going from cell to cell with little things to supply the wants of prisoners, going around with a little thread, or buttons, or salts, when he had a right to be away from his duties, doing it on his own account; I have been present at roll-call many times when I have heard him talking severely to the officers for not attending to the little wants of prisoners.

Q. What do you say as to Mr. Brockway, the superintendent, discharging his duty towards the prisoners? A. As far as I know about the management I would make only one criticism; I thought the principal trouble that I could see, and that is a large source of trouble, was putting too much confidence in the prisoners and putting them in as officers; I thought, many times, the knives that were taken from prisoners, although I didn't know, they might have been scattered around by those acting in the capacity of officers; if I had any criticism to make on his management, it would be that he was too lenient with the prisoners and did not punish in cases where it was absolutely proper to inflict bodily punishment; I think if spanking had been done there would have been less trouble.

Q. You regard that as proper? A. I think some bodily punishment is necessary in some cases; talk is useless where a man has lost all pride; you say you will feed you on bread and water, he would say, "I don't care, he would prefer it rather than go to work at the simplest work," he would prefer to take the solitary; I say

that my opinion would be that there is no relief to such a man only to inflict punishment that is real bodily hurt to him, and I think he would heed that more than any other punishment, the kind at any rate that was given there; there was many would prefer to go day after day on bread and water and lay in the solitary than work when the were perfectly able to work, and my opinion was —.

Q. The effect of abolishing corporeal punishment would be to weaken the bands of control? A. Yes, sir; I think it would.

Q. Have you any knowledge of the marking system? A. We talked about it.

Q. What was the feeling amongst prisoners with regard to it? A. The principal thing that came to me they would come and say, 'I am sick and cannot do my task, and I am losing my marks, and, if you will send me to the hospital I will not lose my marks;' that was about the sample of the complaints with regard to marking.

By Mr. BROOKWAY :

Q. What is the most salutary and efficient mode of punishment; did you ever have any opportunity to judge of the comparative effect of corporeal punishment and solitary confinement; are you acquainted with any other prison? A. I had charge of the hospital, the soldiers — for three years; corporeal punishment was abolished from the institution at first, and it was found after a while it could not be run without some switching, and it acted like a charm.

Q. The garbled reports in which they sent out statements that Mr. Coleman said the present state of insubordination was attributable to some acts of McKelvey leads me to guard the statement of Dr. Brown; you don't mean to say in your statement there was at any time when you were connected with the Reformatory a general condition of insubordination? A. No, sir.

Q. You referred to some individual cases? A. Yes, sir; just lazy boys, they were principally boys; when you say to a man he must go to the solitary and be degraded, he looked at it different from the boys, but the boys felt different.

*John I. Nicks*, sworn and examined :

By the CHAIRMAN :

Q. You reside at Elmira? A. I do, sir.

Q. What is your occupation? A. Manufacturer of tobacco and cigars.

Q. You are one of the managers of the State Reformatory? A. Yes, sir.

Q. And have been how long? A. About two years.

Q. Ever had any connection with prison management prior to your connection with the State Reformatory? A. No, sir.

Q. What are your duties as a manager of the Reformatory? A. We have so far as the Reformatory is concerned, I suppose, that under the law the board have the control of such persons as may

be sentenced there by the courts, and with the power of releasing and paroling, and eventually discharging those persons from the prison.

Q. The board of managers has general charge of the Reformatory?

A. Yes, sir.

Q. The appointment of its officers and subordinates? A. Yes, sir.

Q. By whom is the superintendent appointed? A. By the board.

Q. And by whom were the keepers appointed? A. Appointed by the superintendent.

Q. Are all the officers appointed by the superintendent? A. Yes, sir; all the men, I think.

Q. Without consultation with the board, or concurrence with the board? A. Yes, sir.

Q. His power is absolute in the matter? A. Yes, sir.

Q. The superintendent is directly responsible to the board? A. Yes, sir.

Q. You have your rules and regulations adopted by the board for the government of your action? A. Yes, sir.

Q. Subordinate to the special laws under which you are organized? A. Yes, sir.

Q. You have what is called a court in connection with the management of the Reformatory? A. Yes, sir.

Q. What is the nature of that tribunal? A. The court that is held by the board of managers—that court is held once a quarter, or once in three months in which the cases are presented by the superintendent of such persons who may have so conformed to the rules of the institution that they are subjects to be considered for parole; those cases are presented to the board, and the individual may come before the board and the board examines him, and examines the record, receive the report upon his case from the general superintendent; then they act upon his case.

Q. Do they hear testimony from other prisoners? A. No, sir; not upon.

Q. Take testimony simply of officers? A. I don't know of any case of any officer has been brought in except the superintendent and those cases.

Q. Who were present at this court, any one except the managers? A. No, sir; not necessarily, except the managers may invite some friend to be merely present; they constitute the court, the superintendent and board are all that is necessary to be present, that is so far as the subject of parole is concerned; then after they got through with all of the cases that are presented of that character then they hear the complaints of any as I understand; for instance, it is known in the prison that at such a time the managers meet in this court, and notice is given that if any feels aggrieved, if any have any complaints they wish to make which they wish to present to the managers they will have an opportunity of sending their names to the superintendent; the superintendent brings in then those individual

cases, and they present their grievances to the board ; the board hear them and question them ; then they ask the superintendent, and he presents the case as he understands it, and then if it is necessary, if the board deem it necessary, they then call in other of the officers and question them with regard to these cases, and then determine as regards the complaint, but prisoners are never called in to substantiate or deny the complaints made by prisoners, I know of no such cases ; I do not think the board would refuse, though, if such a request was made.

Q. So far as you know such requests are not made ? A. No, sir ; not to my knowledge.

Q. Prisoner simply comes and tells his own story ? A. Yes, sir.

Q. The contract system has been in operation in the Reformatory during all the time of your connection with it ? A. No, sir.

Q. Since when ? A. Since last September.

Q. Prior to that you were working upon State work ? A. Yes, sir ; done on State account.

Q. Would like you to state fully and particularly to the committee your views concerning the operation of the contract system in connection with the Reformatory as a reformatory institution ?

A. That question I do not know that I could ; I can give you my ideas, I have some ; they may be erroneous with regard to the whole system of labor as I regard it in the Reformatory.

Q. Take your own mode of stating your views ? A. To be sure I went into the board entirely without any experience as a prison man, or any knowledge of the matters pertaining to the Reformatory, or the idea as I regard that institution which was to confine there a class of young men, criminals for small or trivial offenses for the purpose of sending them forth from there as far as possible as good citizens, and I say I went there without any knowledge, and I made it somewhat a study myself, and have some views that I give as my own, and as not those of the board or any one connected with the prison is at all responsible for, because a number of them don't accord with me in those views ; so far as myself is concerned I believe that for the interest of the State and also of the prisoners, I believe that the contract system is far preferable to the general account system of doing business in the prison ; if manufacturing is to be carried on in the Reformatory I am very clear in my views that the only system to do it is by the contract system ; that has grown from my experience under both systems since I have been connected with the Reformatory, but I will say right here that so far as my individual views are concerned I am opposed to any mechanical labor being done in the Reformatory ; I don't think it tends in any manner to the reforming of the inmates ; I believe that as a Reformatory that the basis or ground work should be moral and mental training of the individual, and that labor should be secondary in the purpose for which the institution has been established.

Q. What would you suggest as a substitute for the different kinds of mechanical labor employed in prison? A. In the first place I would instead of requiring the inmates for an hour a night, for three nights in the week the attendants upon school, I would require four hours of each day to be engaged in school, I would require two or three hours of confinement in the cells as punishment if you please.

Q. In cases of violation of the rules? A. No, sir; as a general practice that they might have time for contemplation, I would then appropriate a portion of the day to proper religious instruction, and then employ in labor which might be deemed necessary in order to fill — so fill up the time that they would not — that would be deemed necessary in order to aid in carrying out or filling up the time; all the time they would have at labor that might be necessary.

Q. You wouldn't abolish labor entirely? A. No, sir, I would make that secondary.

Q. Would not make it mechanical labor but agriculture? A. Yes sir, if you please, this is a crude idea of mine, I don't know that it is practical at all, although I think it is.

Q. These views have grown out of your experience in your present position? A. Yes sir, and thought upon the subject; we have a large farm there, I have thought of the idea of enclosing fifty acres of that land with a proper wall and putting that land in a high state of cultivation and requiring the convicts to do the labor necessary to be performed there.

Q. Now can you state what you consider to be some of the evils connected with the present contract system, with the present system of mechanical labor in prison and show how it militates against the reformation of prisoners, or state any facts that may occur to you as illustrating the views you have presented? I think that the great body perhaps not the great body, but large proportion of young men sent to the Reformatory, are — a good many of them come from where they have perhaps had homes, they haven't prized their home, but they have had homes, that if they would conduct themselves properly would have been good homes, another class a large proportion of which come from the street as you may say; they have grown upon the street, they have never known what home was, they have never had any training of home or any instruction and no real opportunity from any knowledge they have of what constitutes a man; they haven't been learned to think, they have been brought up in large cities like the city of New York, I think the larger proportion of our inmates comes from the city of New York. Now I think you take and put those men, that class of prisoners, both classes to this labor, you require them to do, as has been stated, after they have been in here four weeks, to do a comparatively at least good day's labor, mechanical labor, and then you require them three nights in the week to go into school, they haven't been trained to system, they haven't been trained to thought that I think that this puts so much upon many of them that they feel it is a task which they look upon



as impossible to perform and they become degraded, they become disheartened and they go on with their labor and they say, "I cannot do that labor," and they lose their marks, they are degraded and they become disheartened. Now I think that that system while it may succeed in many cases, I think it will fail to reach many cases that might be reached in some other way.

Q. In your intercourse with the prisoners, have you found this feeling prevailing among them that their work is an injustice and that they are driven to desperation in consequence of being compelled to perform their daily task day after day — does there a feeling of depression and sense of wrong arise in the minds of the prisoners on that account? A. I think in some cases I have found that, not so much a sense of wrong as they have expressed it to me, and yet they may have deceived me as they have expressed it to me, an incapacity to accomplish it.

Q. Do you think that is often the case that they are actually incapable with a reasonable amount of effort of performing their tasks? A. No, sir, I don't.

Q. Does the trouble lie then in the absence of the requisite power of will in them to do their work? A. Well, that's what I think, they have not the power; they may have the physical power but they haven't the power to so control their will so that they can put their will in connection with their physical power and accomplish the result, and therefore they may honestly think that they cannot do it when in fact if they could so control and bring their will power under their control they might easily accomplish the task required of them.

Q. The lack of this will power you attribute to their defective education? A. Yes, sir, their want of discipline or being brought under proper discipline.

Q. You think the only way by which that requisite moral force can be developed is by a system of mental and moral training to which one half of the time every day should be devoted? A. I don't say that's the only way; to my mind I think that after all I start upon the basis that all great reforms must commence within, within the man himself, he must be reformed within before there is any permanent good; that is, he must control himself, must understand himself and have power to bring his will so he may control himself; I believe that to be the grounds, the basis of reformation.

Q. You don't regard the contract system as militating against the especial reformatory purposes of the institution at Elmira? A. They watch that matter very closely, and I do not think it does.

Q. Excepting so far as mechanical labor may interfere —? A. Yes, sir.

Q. But if labor is to be performed it may as well be performed under the contract system as under the public account system? A. Yes, sir; I think it is the preferable of the two.

Q. To what extent do the managers exercise control, if any, over the methods of the superintendent in the performance of his duties?



A. Well, you understand, as every gentleman must, that necessarily the general superintendent must have pretty full powers and from the fact that he must necessarily be the head of the institution, so far as the — I will say the entire management; to be sure, under the control of the managers.

Q. He is the actual executive officer? A. Yes, sir.

Q. Must be given large discretionary powers? A. Yes, sir.

Q. That is the fact with regard to the present superintendent?

A. Yes, sir; at any time, to be sure, the board may do — if they have any suggestions, requirements, they are made to him and he carries them out; but he must, from necessity, have the general management.

Q. Have you never thought that the contract system, as operated at Elmira, interferes in any way with the proper discipline and management of the prisoners? A. I have no evidence of it.

Q. Have you heard any complaints on the part of the prisoners that their interests were not properly considered, or were sacrificed to the interests of the contractors? A. No, sir; not at all; I think of two or three, I have asked them how they were treated by the contractors, whether they were required to do too much, and they all spoke very highly of the contractor and had no complaints to make.

Q. Has there been, during your period of office, been any complaint on the part of prisoners that they were overworked, unduly tasked, in order to promote the interests of contractors? A. No, sir; not in that; they have some of them complained to me it was impossible for them to do their tasks.

Q. But have not attributed it to the contractors? A. No, sir; I never heard any complaint in that regard.

Q. In your judgment has there been or is there ground for complaint as to the amount of work required of prisoners? A. I don't think I can intelligently answer that question; to be sure, when I go through the prison, as I very often do, they know me and they — speak of one case and it is this, that and the other, and I talked with them about it, but I don't know whether there is any — I confess I think sometimes that they may err as regards the power of an individual and what he is required to do, but I never felt there has been any thing required of the men that they could not accomplish, because if there was such cases I should have brought them before the board.

Q. In your judgment is the night school, as conducted now, promotive of the welfare of the prisoners? A. Well, I think it is.

Q. Do you find, among the prisoners, any reluctance to attend the night school? A. I have not.

Q. Does the fact of their being employed in the shops during the day disqualify them, you think, from properly improving the opportunity of the night school? A. Well, I think it is not as serviceable to them, by far, in that regard, as if they didn't work.

Q. You think it would be better to conduct it during the hours of the day instead of night? A. Yes, sir.

Q. That would interfere with the contract system to a certain extent? A. Interfere with the labor, value of the labor.

Q. Could the contractors carry on their work in the shops, under these contracts now in force, if the prisoners were allowed to work only half a day daily? A. The only way to carry them on would be to have men off and on.

By Mr. BROOKWAY:

Q. You didn't intend to say the inmates were committed for trivial offenses? A. Not for trivial offenses.

Q. They are all convicted of felonies? A. Yes, sir; lower class of felonies.

Q. How would you fill out the remainder of the twenty-four hours? A. I think they want some time for sleep, etc.

By Mr. FARRAR:

Q. You under your theory, wouldn't it be important that the law should so control the bringing of the men there as to be confined to a certain age; to make the age different than under the present law and send the older ones to State prison? A. My idea would be from twelve to twenty-five.

Q. Wouldn't you confine it under twenty? A. I think there is a great many that really haven't had the opportunity in our large cities, that grow to be twenty-five years of age, that the reformatory idea would be beneficial to them; that they would receive in an institution of that kind.

*William C. Wey*, called and examined:

By Mr. FARRAR, in the absence of Mr. KEYES, the chairman:

Q. You are perfectly well aware, doctor, of the nature of this investigation, and are prepared to give us a statement of your ideas with reference to the management of the Reformatory, and if you will do that I will be pleased; you are a physician and surgeon at Elmira, New York? A. Yes, sir.

Q. Of how many years' standing? A. Thirty-three years.

Q. You are one of the managers of the Elmira State Reformatory? A. Yes, sir.

Q. And have been how long? A. Since 1876; I want to say, before this inquiry progresses further, that the fact that bruises of the skin, inflicted just before death or soon after death, are, according to medical science or medical jurisprudence, indistinguishable; they are not distinguishable; superficial bruises made just before or immediately after death are not distinguishable, and its immersion in warm water after hanging, and the subsequent freezing of the

body, and its transportation two hundred miles in cold weather, and its remaining for a day, more or less, in a cold room of an undertaker's shop, would produce the post-mortem appearance sworn to as having been present in the Hughes case; the cherry-red appearance.

Q. Your first statement was you could not tell the difference whether they were produced before death or after death? A. That is so; that is a settled fact in medical jurisprudence; I think it was testified to that in a living state ammonia or brandy was injected for the purpose of resuscitation; for instance, after temporary suspension of life by drowning or hanging, would produce abscesses; I will state I have used those means for hours at a time in reviving a person under the powerful influence of a narcotic, and never have seen an abscess result from the use of brandy, or whiskey, or alcohol, or ammonia or any kindred article thus used.

Q. You would state in cases of hanging or drowning that it was proper practice to inject ammonia or brandy under the skin for the purpose of resuscitation? A. Yes, sir.

Q. Also the warming of the body by immersing in warm water was proper? A. Yes, sir; the temperature of 110 — any degree of temperature in which the body is immersed which will bear the hands of the attendants without inconvenience is not injurious whether life is extinct or not.

Q. If life is extinct and the body is immersed in water of that temperature do you say it would produce a loosening of the skin? A. No, sir; it would not, except as friction was made use of.

Q. I thought your son so testified? A. Merely the scarf skin because that was done by friction but not by the immersion; that is a very interesting and delicate question connected with medical jurisprudence.

Q. You have seen this indication in the dead body of infants? A. Yes, sir; and also where a person died suddenly in very hot weather and in two hours the body was surrounded by ice and kept surrounded two days, and brought to Elmira from a distance; the livid color was so apparent the parties believed the party could not be dead, and many physicians were called to view the body.

Q. That condition of the body is no indication that the body was submerged in hot water while living? A. No, sir; no more than in the latter case, that the body was killed by freezing.

Q. Take your opinion with regard to the management? A. I have been one of the managers since it became an institution of the law of 1876, and was one of the managers named in the act of the legislature creating the Reformatory. and have continued to the present time, and the entire scheme of the Reformatory management has been during that period worked out and elaborated by the superintendent and managers till it has assumed the practice which is in vogue now; that is with regard to the three-fold system of treatment there, which is by labor, by conduct and study; it is well to say, of course, that persons consigned to the Reformatory for the

first time convicted of crime are supposed to be between the ages of sixteen and thirty, and that they are at that age susceptible to the reformatory system, and this I believe to be a wise and humane and admirable method of treating such people as Mr. Nicks remarked they came from the lower class of society usually; persons who usually have been accustomed to no mental or physical restraint, mostly coming from New York; they have been stray waifs, and for the first time they fall under the power of discipline when they enter the Reformatory; they never before had been accustomed to work; never before had had, as a general thing, the advantages for any educational system; never before been under restraint as to their manners or deportment; they are then brought under the three-fold system of labor, study and deportment, and frequently the system is at first irksome, because they never before have yielded to discipline, but being of a susceptible age and usually in good health barring some disease which they have acquired through vicious habits and sometimes physical defects with which they were born and some mental conditions which perhaps would excuse them; they are capable of going on and conforming with the reformatory plan of the officers and if any man by reason of peculiar mental state or physical condition is incapable of getting on in one line of work that state is known to the superintendent and the medical officer, and a place is provided for him suitable to his condition; I would say from large experience and great personal interest in the scheme that it is only in rare and exceptional cases that any individual is not found capable of conforming to the requirements of the institution; if he is sick allowance is made for his shortcoming; I would say with regard to the marking system that a stronger incentive than this cannot exist to urge a man on to the accomplishment of his work so that he may be released in one year; it is the moving power of all others to inspire a man to conform to the rules and regulations and thereby obtain early release which thus may be obtained in accordance with this system in twelve months, whether his crime has been serious or not; and I would say further that punishment is in no way to be considered in connection with the reformatory plan; the word "punishment" should be entirely removed in considering this question, when for fifty or sixty years it is found no progress has been made in the State's prisons towards reformation of criminals after mutual deliberation and constant communication between men greatly interested in the subject, it was thought best to devise a higher system which would do something toward redeeming men from the bondage of crime; whether that criminal habit originated with the man or whether it was the result of inheritance, pauperism and crime, going back through many generations; it was a fact well known that the State's prison simply punished their inmates and no attempt had been made towards reforming them; aside from the exercises of the chaplain on Sunday there was no effort made whatever toward elevat-

ing the mind of the man ; their imprisonment looked towards their punishment, and the suppression of such persons from the society of their fellow men ; this plan of reformation, based upon the Irish system connected with the ticket-of-leave custom and which is equivalent to our parole, was brought about by the legislature and the report of a special committee to consider the question out of which grew the Elmira Reformatory ; this system was an innovation upon the State's prison plan so long in vogue ; this plan has been in operation for six years as a reformatory system and has worked great advantage during that time ; my desire and interest in the matter is that it may be perpetuated with such modifications as may be suggested by every-day experience and such radical change has been made in the treatment of criminals of a certain age the first convicted of crime is shown by the fact that eighty-four per cent. of the men released or discharged from the Reformatory have been restored to the outside world and are living lives of usefulness without violating the law, and that those men have earned their unconditional release through their compliance with the terms of the institution in that respect ; occasionally, perhaps, the system of marks appears to operate injuriously upon a man, but when the case is sufficiently investigated, and oftentimes by the managers it has been found the obstinacy of the man, persistence in carrying his point, has been the occasion of his seeming to fall below the standard required and that he is capable of coming up to the full standard of requirement ; I don't think that the system of marks imposed inflicts generally any hardship upon the men ; I think it is a system so even and so exact and so just and at the same time so adapted to the idiosyncracies of each individual that it is universally applicable to the inmates, and if I were asked with regard to any instances of cruelty inflicted upon these men, I should say that such case has never come under my observation.

Q. Was you ever connected with the institution as physician ?  
 A. No, sir ; but I have had occasion in the court which sits once in three months and at the semi-monthly meeting of the managers to hear and examine into cases of complaint on the part of the inmates in respect to deficiencies in school, in labor, and misconduct from time to time and no cases of cruelty have been made out against the officers of the institution ; there is no inmate of the institution in whatever grade or in the solitary who has not at all times full opportunity of appearing before them and presenting his grievances, and seeking redress ; the inmates are aware that the managers meet to audit accounts and other matters of business twice in the course of a month and at those meetings any inmate can come before them ; when any inmate desires to see or be examined by the managers the business is suspended to allow him an opportunity so to do ; when any request has been made business was suspended till that inmate came.

Q. Does that come through the superintendent ? A. They have come directly to me by personal application or through notes addressed to me in the Reformatory ; I presume the same experience



has occurred with the other manager ; in that way they would communicate with the board, and they have always been allowed to when they were going through, for instance ; the matter of discipline is of vital importance and hinges upon this three-fold method ; there is discipline in education, tending to expand the powers of mind, and in the task a discipline tending to encourage the mechanical skill of the prisoner, and if he has been careless and slovenly in his habits he can be improved in that respect ; when a man enters the third grade his clothing is not made by a fashionable tailor, and does not exhibit the beauties of the human form or make him amenable to the aesthetic laws which govern the teachings of Oscar Wilde ; in the second grade his clothing is more subdued in appearance and better suited to the improved condition of the inmates ; in the first grade his clothes are becomingly cut and made to exhibit the man to an advantage becoming his elevated state in the Reformatory ; I would say also with regard to the parole, the operation of that system to have been entirely satisfactory, and when I mentioned this matter to an executive of a neighboring State and stated that eighty-four per cent. of men paroled from the Reformatory were living orderly lives, his surprise was very great, and he said if fifty per cent. were living in that way it was an astonishing reward as the result of this process.

Q. What are the usual complaints made by the men ? A. I think in nine cases out of ten he refers to his mark and desires to get back a mark ; and it may be in connection with labor, and it may be in connection with some little petty offense of talking and lying ; or it may be in connection with school tasks, and the managers and superintendent have authority on the spot to correct his alleged faulty marking ; the man attaches as much importance to one single mark which stands between him and liberty as a person in business would attach to a \$5,000 note ; it is his all in all ; it is the pivot upon which depends his discharge from the institution ; the marking system is a force and power which so completely envelops the individual that it is the most salutary agency it seems to me that can be devised in holding him in subjection and obedience, and as an incentive to discharge from the custody of the managers ; I believe in most cases it is in the power of Reformatory inmates, at the end of six months, to be eligible to the first grade and being capable of passing into it, and at the end of twelve months to be worthy of parole.

By Mr. BROOKWAY :

Q. Something has been said that the labor is inconsistent with the proper performance of the duties in school ? A. I think after the labor of the day, which is not severe and exacting upon them, that the school experience is a pastime and pleasure ; that instead of being incapacitated for it they are all the better prepared for it ; and it is no more exacting to them than the same length of time spent in their cells in reading or other occupation ; in the higher

grades I have never seen a man who passed through the institution and received release who did not speak of it in the highest praise as having advanced his opportunities in life for future occupation and honorable living; I have never known an instance where a man has been paroled and sent back to his place of abode who has not immediately received a recognition of his friends, and who has not also maintained himself in such way that his Reformatory experience was never a reflection upon him.

Q. With regard to the period of confinement of Reddington and Carr in the solitary, you had interviews with them, whether in your judgment they were unjustly confined there? A. I have repeatedly; I remember Carr's case of using violent language and threatening them; in one case when he came before the manager, he threatened them; I remember another case where a man threatened me that he would take my life, and in a little while, under no greater restraint than that imposed by a lower grade, although he was of a considerably inferior mind, the whole nature of the man became entirely changed and he was metamorphosed into tractableness and obedience, and finally emerged from the institution; in the case of Reddington, is a man who despised authority, and so with Carr; and he made up his mind not to perform his duty, and resisted every effort made in his behalf, and I think he committed suicide, not because he was insane, but because he preferred death to any kind of obedience; I think if he had been a sailor in the navy or a soldier in the United States army he would have done the same thing, and yet he was capable of performing the duties at the Reformatory which were prescribed for him.

Q. And this man Reddington? A. Yes, sir.

Q. In your intercourse with prisoners as manager and occasionally as physician, have you ever been called to see or treat any cases resulting from injuries received from violence of officers? A. No, sir; and I will state, I am speaking now with that definite knowledge, per centage, that probably seven-tenths of all the men that come to the physician in the morning, at surgeon's call, they all have the privilege of coming, that they are malingerers; their purpose is, if possible, to beat the doctor; one might say that the doctor's judgment might be harsh, but such men make him an expert in regard to their physical condition, uses all the tests known to science; in detecting any evidence of sickness among them his tendency is to be charitable rather than severely critical.

Q. I would like to ask the doctor, what is your own estimate of the capacity of Dr. Emil Krackowizer as an expert in criminal discipline? A. I should consider him entirely incompetent to judge of that question.

Q. Have you known any instances of injustice towards any of the prisoners under the present management? A. I have not, and I have been, I believe, at every court that has been held since I have been a manager, and generally at monthly meetings.

Q. Do you know of any instances, in your judgment, where the marking system militated unfavorable to them? A. No, sir; on the contrary, the marking system is entirely consistent with the proper,



mental and moral and physical condition and the prospected advancement of the subject.

Q. Have you known any instances of extreme cruelty? A. No, sir.

Q. Brutality? A. No, sir; I am confident they have not occurred.

Q. I understand you to say unqualifiedly the marking system is a magnificent success? A. Yes, sir, it is; in success beyond any process of criminal management in the State of New York or elsewhere in this country, and it is a signal success in the short time it has been in operation; a success which has elicited favorable comments from nearly all the States of the Union and from Great Britain.

Q. What is your opinion as to the influence of the contract system on discipline? A. I think it is injurious compared with public account system; I think it is not in consonance with the true reformatory system.

Q. You remember the testimony of Mr. Nicks with respect to abolishing labor, what is your opinion on that question? A. I think that would be a very unfortunate step as a means of discipline, fitting the individual afterwards in outside life for respectable and remunerative employment.

Q. I think he objects to the present system of mechanical labor? A. Mr. Nicks spoke of agricultural labor as the only equivalent; mechanical labor is much more remunerative and much more followed by men.

Q. With regard to the moral and mental welfare of the prisoners? A. I think they would prefer, if choice were given them, some mechanical employment.

Q. You think men, because they are prisoners, should still have the right to earn their own living? A. I do indeed think they should.

Q. You think prisons should be made self-sustaining? A. That should be the purpose.

Q. What with regard to the effect upon outside labor? A. I think it has been ascertained in all the prisons of the United States, the industries competing with honest labor only interfered with it to the extent of one-fifth of one per cent.; those are statistics from Mr. Wright, a very thorough statistician.

*S. T. Arnott, sworn and examined:*

By Mr. KEYES:

Q. You reside at Elmira? A. Yes, sir.

Q. Are one of the managers of the Elmira State Reformatory? A. Yes, sir.

Q. Have you had any previous experience in prison discipline? A. No, sir; I was on the building commission originally and visited a great many State prisons, and had a good deal of conversation and talk with Gen. Pilsbury, who was then connected with the Albany Penitentiary.

Q. You have heard the testimony given to-day by the witnesses?  
A. Yes, sir.

Q. Mr. Nicks? A. Yes, sir.

Q. With reference to the injurious effect of mechanical labor as now carried on? A. Yes, sir; I don't agree with Mr. Nicks.

Q. What is the ground of your dissent? A. Well, I consider that these men should have employment, and the small number of hours they are employed, only eight, does not incapacitate them for the mode of education; as a matter of fact a great majority of the prisoners are of very low moral development; a large proportion of them are of that low nature.

Q. What would you deem the best method of prison management with a view to developing and cultivating their better nature?

A. From the experience of the year I should regard it as very detrimental to the inmates confined there that they should not be employed in some work; that the majority of their time should be employed.

Q. You think the effect of physical labor, mechanical or otherwise, conducted under proper regulations would be conducive to their moral development? A. Yes, sir; so that when they get out they will have some chance to become good citizens.

Q. Would you supplement mechanical labor under proper regulations with other means of reformation; would you add any other means of reformation aside from mechanical labor? A. Yes, sir; I think the school system is very beneficial; I think it tends to develop the men's minds and get them in a train of thought that they will become good citizens.

Q. In the night schools, are they instructed in principles of morality? A. I understand they are, and also in the chapel exercises.

Q. Do you deem the present kind and amount of moral and religious instruction they receive is all that the case requires or admits of? A. I don't see how it can be improved.

Q. What is your estimate of the contract system in connection with the discipline of prisoners and reformation of prisoners? A. Well, I think that the public account system is preferable.

Q. Why and how? A. Well, it — the public work system — is then more readily under the control of the managers and superintendent, and perhaps the prisoner himself considers that he has a better opportunity of being released; the public work system as conducted, I should say as it was conducted formerly, I would prefer to the present system; the public work system as it was conducted formerly threw upon the superintendent more than any other one man, and also in the conduct of the prison; it is more than any one man could attempt to do; the contract system relieves very much the superintendent of purchasing goods and supplies and disposing of them; that is all done away with, except the feeding of the institution, and gives him more opportunity to tend to the discipline of the institution; the contract system has been tried so short a time, my opinion is it would be better to still continue it for a time, and see the true working of it.

Q. Does the contract system, as at present conducted, afford the same facilities to the overseer of the prison for graduating the amount of labor required of persons, and the respective capacity of prisoners? A. Yes, sir; the contracts are so drawn; the superintendent has the control of the amount of labor.

Q. Under the contract system there is a prescribed task for each prisoner? A. That was also under the public work system, as I understood it; I have been there but a year; I understood they had a certain task to perform, which is necessary in the management of the prison, if you have any work going on; there is so many men decline to work you wouldn't have good discipline in the institution unless you have some task.

Q. Have you observed any interference on the part of the contractors, or their agents or employees with the proper discipline or management of the institution? A. No, sir.

Q. Are you aware of any general feeling among the prisoners averse to the contract system? A. I don't know that I have; in going through the shops and about the institution talking with them, I haven't seen any thing of that kind.

Q. What is your estimate of the general spirit and temper of the present management of the Reformatory, I refer especially to the superintendent and keeper? A. So far as I have observed, and so far as my action in the matter the desire is to get these men when put under charge there to bring them under some control, let them know they have got to obey the rules of the institution, and a great many of them never had a particle of control, or been under any discipline whatever that we may in the shortest time that we consider they can safely be turned out again with any chance of reform to get them out; that is the spirit of the management, and spirit of the superintendent so far as I can observe.

Q. As to the marking system, does it meet your approval? A. Entirely so.

Q. Do you find the results accomplished under it are such as were anticipated? A. Yes, sir.

Q. The results are good? A. Yes, sir; I will give you an instance of a person who came before this court, his name was Doherty; he asked to come before the court again and was very abusive, said he hadn't a fair deal, and all such language as you would expect would come from the Five Points, and hadn't had a fair shake, wanted to be changed, couldn't do his task and couldn't do his work; after he was checked in that and after his conversation I talked pretty severely to him, I told him he must have created a very favorable impression upon the manager, at least so far as I was concerned, he did; and that he should be kept there the longest time he could be kept for the offense; that I didn't see how under the law that we could under any circumstances allow him to be thrown upon the public except at the end of his term; I talked further with him and told him we don't want to keep you here an hour longer than is necessary, it all de-

pend upon yourself; after talking with him he showed considerable feeling, and I have kept watch of him and constantly inquiring after him; he is now in the first grade; from that hour he begun to think he had no chance of getting out except at the end of the term unless he obeyed the rules of the institution; he had told me since, "I am doing first rate, and I am coming through."

Q. Can the marking system be carried out and administered properly without vesting in the superintendent or some officer of the prison large discretionary powers under it? A. I cannot see any other way; we have got to have some head, it cannot.

Q. You cannot fix invariable rules to apply in every particular case without giving the superintendent power to modify the rule to suit particular cases? A. Yes, sir; as in his judgment he deems necessary.

Q. That is done under the management? A. Yes, sir.

Q. Subject to the revision on any complaint to the board of managers? A. Any prisoner may ask for a hearing and it is always looked into.

Q. Is it practical in your judgment for any man in the position of superintendent of the Reformatory to have such a minute knowledge of the particular cases of each individual case among the prisoners as to enable him to judge fairly of the merits of each particular case? A. My observation in going through that institution with Mr. Brockway, and he is remarkable with regard to distinguishing the prisoners; he seems to have a knowledge of all with the marking system, with the disposition of the prisoners brought before the board of managers, and of the complaints and even saying to them, "do you want to bring in any testimony," well, they invariably say they don't; I don't see any way that — I think that his familiarity with them is such that he knows almost every case in the institution.

Q. In other words, if the prisoner is deficient in his studies or work, or conduct, you think that the superintendent has sufficient knowledge of each and every case as to enable him to judge whether to make allowance for deficiency in these matters? A. I think so; I have known very often a case where prisoners have been marked down and come before the board, and Brockway has had perhaps some knowledge of it, and has immediately reinstated them, almost every meeting there are such cases as that where perhaps according to the strict rule they should be marked down, but in order to encourage them he reinstated them; the men are reinstated when their marks would not warrant it. Taking all the circumstances combined, on explanation before the board, they are reinstated.

Q. They are allowed to be marked the same as if they deserved it? A. They are for some talking or some little infringement.

Q. Is the effect of the marking system upon the prisoner such as to create in their minds a sense of injustice and partiality? A. It is in those persons that are the most depraved and the hardest persons to control; those are the persons that think there is always some injustice done them.

Q. Do you call to mind any particular cases? A. No, sir; I am not familiar with the names of the prisoners; I only call to mind the man Doherty; he had been there a long time, and I wanted to see whether he would improve, and that case I know.

Q. You think that under the present contract system and present system of mechanical labor, the moral and intellectual well-being of the prisoners can be as effectually promoted as under the public account system? A. I think the public work system would be preferable, but as this system has been tried for so short a time perhaps it would be well to continue it for another year at least; by the laws of last winter the managers were directed to dispose of and go out of the business, and at a large loss to the State, and it must necessarily incur a very large outlay again to change the system.

Q. You think it advisable to provide that every prisoner who is able to and willing to do, and who actually does perform overwork on any day should be allowed the money value of such work; money to be paid at his final discharge? A. That is a question I hadn't thought on; perhaps it might lead to encouragement for a man to do more.

Q. Would it tend in any way to create jealousy or bad feeling among the prisoners if it were understood that convicts who were expert and faithful, and industrious, might earn money for themselves and be paid at their discharge? A. That is the very question I hardly feel I am confident to answer; my experience doesn't enable me to judge, and allowing the prisoners for their overwork, then wouldn't the contractors say these other men can do more work; my opinion would be it would be detrimental; I think the term of imprisonment is short enough under any circumstances, for good behavior would put them back on the public as soon as they should get there.

Q. Isn't it true that some prisoners are in a state of chronic discontent, and complaining on the ground that they are kept in the Reformatory longer than relatively certain other prisoners are for the same offense? A. No, sir; the offense isn't taken into consideration at all; it is for them to be in confinement long enough so that they may have received some benefit and until they are fit to turn upon the public again.

Q. That is the theory isn't it, that two prisoners convicted of the same offense or sentenced to the Reformatory at about the same time, that one by good conduct earns his discharge at the end of one year, and the other failing in conduct or work, or school, remains there five years, such cases might occur, if they don't actually occur? A. They might occur, but it is only by the bad conduct of the prisoner that it could occur.

Q. Does the one who remains the longer evince any spirit of discontent, an insubordination on the ground that his companion has been discharged? A. I never heard of any such thing; Doherty has been there about three years; he never had been under any control, he thought he was the manager; I told him he must understand he didn't run the prison managers and superintendent, and when

you make up your mind to obey the rules and put yourself in position so he can discharge you, we don't want to keep you here an hour when a man evinces the proper disposition, and he is now in the first grade.

*Mr. Brockway :*

By the CHAIRMAN :

Q. Had you in the Reformatory at any one time a prisoner by the name of Allen? A. Had several.

Q. I hold in my hand a letter reported to be written by Samuel J. Allen of New York, which he states that his brother being an inmate of the Reformatory died on the 14th of September last, but the writer of this was not informed of his brother's death till two months afterward? A. We had no prisoner die last September by the name of Allen; it must be an assumed name under which he was living with us; we had a death there and from our geographical sketch we made every possible effort to reach the relatives but failed, and finally received a letter; the last letter I think was directed to a man by the name of Allen, and was not returned, and therefore I think reached its destination.

Q. Have you any knowledge of the circumstance of withholding the fact of the death from the prisoner's relatives? A. We make every effort to find the relatives immediately in case of death.

Q. Do you recollect this case? A. I recollect one case about two months before we found the residence of the relatives because the prisoner gave a fictitious name.

Q. This person says he has proof that you did know just where he lived? A. Our letter-book would show that; [witness examines the letter;] that is the very case I had in mind, where we made every effort to find the relatives but failed.

Q. I have a letter here purporting to be written by Joseph Hill, now a prisoner in Auburn prison, dated May 21, 1881, and addressed to Jacob Schwartz, Esq., Elmira, N. Y.; you have read this letter? A. Yes, sir; [letter put in evidence and marked exhibit "D." April 22, 1882.]

AUBURN PRISON, *May 23, 1881.*

JACOB SCHWARTZ, Esq., *Attorney and Counselor at law, Elmira, N. Y.*

DEAR SIR — On the 19th inst. a gentleman, who, if I recollect right, introduced himself as Mr. Brooks, came to see me, and stated, that, in consequence of an interview between yourself and Mr. Strauss from Rochester, you had resolved to help me out of my difficulty if possible; accept my thanks; I gave Mr. Brooks the particulars of my case; he promised to report them to you, and ask you to write to me, and to inform me as to the merits of my case in your opinion;



not having heard from you I venture to make this gentle inquiry, what are the chances for or against me in your opinion? To make sure that you know the exact circumstances I will repeat my statement; I was tried on the 20th of June, 1879, in the Court of General Sessions, N. Y., before Judge Gildersleeve, charged with burglary, third degree; I plead guilty to the charge; the court having become satisfied that I had not been previously convicted, that I was not over thirty years of age, and also recognizing other mitigating facts, I was given the choice of one year State's prison, or an indefinite sentence to the State Reformatory; I chose the latter, and the judge pronounced sentence accordingly; on my arrival at the Reformatory and during an interview with Mr. Brockway I was informed that if my conduct and industry were good I would be released at the expiration of one year; but, within three weeks of the end of that year, I was, without having been given any reasons by Mr. Brockway, sent to Auburn State's prison; being uninformed in law matters, I took it for granted that these proceedings, though cruel, were nevertheless lawful, and thus I resolved to reconcile myself to my fate, and make the best of a bad bargain.

Fate, however, decreed otherwise, for it so happened that while in Auburn prison, chance brought me in contact with three prisoners who were professional lawyers; to them I related my case, and these three men of law were unanimous in their opinion that my transfer was not only unjust, but even illegal; they claimed that no law, which empowers a person, who is not a magistrate, to send a man to State's prison, whom a magistrate had sentenced to a Reformatory, can be constitutional; by way of illustration they drew my attention to a bill introduced into the house of legislature by Mr. Pilsbury, asking for power to transfer prisoners from the penitentiary to State's prisons, and this bill was rejected as unconstitutional, and a second bill of a similar nature introduced in the present session met with the same fate; nay, it was even questioned, whether the warden of Auburn prison had a legal right to receive me on a commitment which distinctly stated that I was to be imprisoned in the State Reformatory at Elmira; thus encouraged, I set my faculties of reason to work, and came to the conclusion that, in a country where just laws prevail, it is the duty of every person to resist injustice if only for the benefit of the common weal.

The punishment of an offender varies in nature and duration according to the circumstances of the offense, and whatever the penalty is the sentence should be, and if the culprit cannot depend upon what the judge tells him in passing sentence, then the words spoken by the judge cease to be words of honor, a trial becomes a mere farce and a sentence a mockery; above all things the law ought to be an example of sincerity, it ought not to take advantage of the ignorance and simplicity of the delinquent; by an insincere act the law puts itself in the wrong, is robbed of its truth and honor, and turns the criminal into a victim; I maintain that the law has not been sincere with me, from the fact that the punishment which I suffer does not coincide with the sentence pronounced by the judge



Judge Gildersleeve had the power to send me to any penal institution in the State, but in virtue of the mitigating circumstances of my crime he thought proper to send me to a Reformatory, and it does not seem reasonable that a jailer should have it in his power, for the mere gratification of his own whims and prejudices, to upset and put aside the decision formed by a gentleman whom the public has placed on the bench to execute justice according to the judgment which by the study and practice of the law he has acquired; Mr. Brockway received instructions from the court, by way of commitment, to detain me a prisoner in the Reformatory until discharged from there according to law; this instruction he has violated by ignoring the decision of the judge and by increasing the severity of my sentence; if common sense is common law, and if a commitment is intended to define the nature and extent of the punishment of an offender, then my punishment virtually expired the moment I left the Reformatory, and what I have had to suffer beyond that has been imposed upon me by main force, contrary to law, without trial, sentence and commitment; had I committed a prison offense Mr. Brockway had the power to punish me by the discipline of the Reformatory; and again had I committed an offense against the people he had the right to give me the benefit of a trial, let a jury declare my guilt, and a judge decide my punishment, but Mr. Brockway has anticipated both judge and jury; I should like to know how any judge can get over the following most logical argument—I have served one term of imprisonment in the Reformatory and am now serving a second term in State's prison, if both terms are for one and the same offense it is unconstitutional, because the Constitution says that "no person shall be twice put in jeopardy for the same offense;" and again if it is claimed that I have been sent to State's prison for offenses committed while in the Reformatory it is also unconstitutional because the Constitution says, "No person shall be deprived of life, liberty or property without due process of law;" and again if it is to be one offense and one punishment it is still unconstitutional, because "the judgment of my peers" has been disregarded; throw the cat as you will she alights on her legs; the Auburn prison authorities tell me that since I have not been sentenced to State's prison I cannot be discharged from State's prison, and that I will have to remain here patiently until it pleases Mr. Brockway to send for and discharge me; thus you will observe that I am actually imprisoned during a jailer's pleasure; the warden of Auburn prison tells me that there are laws which empower the Reformatory authorities to send any of their men to State's prison; indeed I doubt not for a moment that there are such laws, but law-makers are unfortunately not law students; if a blacksmith were to make a pair of boots we would expect them to be defective, and if an oleomargarine or lard cheese manufacturer makes laws we must expect the same, but while said oleomargarine manufacturer has the power to make laws by virtue of his office, a judge has the power to overrule them and set them aside by virtue of his superior knowledge, and that the judge will overrule the statutes in ques-

tion I feel so confident that I shall not rest until I have heard the case argued before a judge, and to his decision alone will I bow my head in humble submission ; having thus given my reasons why I believe my transfer to State's prison illegal I will proceed to show why it is unjust ; on my removal from the Reformatory Mr. Brockway preferred no charge against me, nor did he give me any reasons why I was thus unceremoniously sent off ; I remember, however, that the officer who dressed me in the "stripe" told me that on my conduct record had been entered the charge of "contemplating an escape ;" here in Auburn, however, I learn that the document which accompanied me here charges me with incorrigibleness ; if such is the case there is a contradiction right away ; the first charge is such a barefaced absurdity that I will not waste the time to comment upon it ; but with regard to the charge of incorrigibleness, I have a few words to say ; before a man can be considered incorrigible he must first of all be bad, then means must have been applied to correct him, and if those means have failed, then, and not until then, can he be deemed incorrigible ; a doctor would not call a man incurable until he has tried means to cure him ; now, sir, I will show that I was not incorrigible ; the inmates of the Reformatory are classified into three grades, respectively termed first, second and third grades ; on admission every man enters the second grade, if his conduct is bad he may be reduced to the third grade, but if his conduct record indicates good behavior for six successive months he is promoted to the first grade, and if his conduct is good for six months in the first grade he is deemed eligible for release on parole ; now I arrived at the Reformatory on the 25th of June, 1879, and on the 25th of December following I was promoted to the first grade ; in January, 1880, the half yearly report was sent to the governor in which my conduct was reported "good ;" in April following the managers held their sessions ; at such meetings a printed form is laid before them for every first grade man ; these forms are abstracts from their respective conduct records, the one bearing my name reads thus : "Conduct, good ; industry, excellent ; study, do ;" now, sir, imagine the absurdity, such a report was laid before the board in April, and in May following I am denounced as incorrigible ; these are facts easily proven because the documents referred to are on file and of which no doubt you can get a copy, and in the "marking ledger" page 398 my conduct is recorded of which you can also get a copy.

Now if this is all true, you may ask whatever did he send you to State's prison for ? I will tell you, sir ; *to save his own back* ; I was employed as book-keeper and in that capacity I became the possessor of business transactions which would not well stand the test of public investigation, and though I gave Mr. Brockway no reason to think that I intended to tell tales, I suppose he thought it safest to make sure of me until he had time to "square matters." To keep me in the Reformatory for any unreasonable length of time, he could not do very well, because my conduct record was

too good: and to set me at liberty would have been worse still, at least, so thought Mr. Brockway; so there remained only my transfer to State's prison; yes, sir; I can assure you, if the public were as well acquainted with the Reformatory matters as I am they would not be surprised that it is \$80,000 in debt; if you should have a conversation with Mr. Brockway on this subject pray do not let him lead you astray; he has a wonderful oily tongue and has had an enormous practice in villainy; there was an officer in the Reformatory, as engineer; his name is Mr. W. Baldwiu; he has resigned his position; if you can find him, have a talk with him, he can tell you more than I have room to write; the authorities here would not pass this letter out, so I send it by what prisoners facetiously term the "under-ground mail;" if you should think it worth publishing, then please give it to the "Sunday Telegram," which is the most impartial paper I have ever read. Hoping to hear from you soon, I remain

Yours respectfully,  
JOSEPH HILL.

P. S.—The Auburn lawyer employed by Mr. Carson is too slow for a case like this, divorce cases I think are more in his line.

[Another letter offered in evidence and marked exhibit "E."]

Letter received in evidence and read as follows:

Mr. SCHWARTZ — Since I wrote this letter I have seen the article in the Telegram, and as you may naturally suppose I am curious to know what, if at all, Brockway will reply. If you will send me the substance of it in a short letter I should be very glad. I hope that you will not delay actions too long.

If the following original incident is of any use to the Telegram, please let them have it; during my stay in the Reformatory I made several improvements in the various prison records, and among others I opened a ledger on the double entry system for the purpose of keeping correct accounts of the goods in the store-room; this store was kept by a prisoner by the name of Frank Quigley, whose duty it was to send me a notice of every article drawn from the store-room and by whom; on one occasion he sent me a notice of a tooth brush and a pair of overalls having been drawn by officer Brown; now, as the goods in the store-room were for the sole use of prisoners and not for officers, I referred the matter to Mr. Brockway, who told me to let the matter rest for the present as he would himself tend to it; it so happened that in the course of the day Mr. H. B. Brockway [brother to Superintendent Brockway] happened to meet Mr. Beach in the office; now Mr. H. B. Brockway was a man of great consequence in reform, as he had but little of his own duty to attend to, he made other people's business his own; he having evidently heard from his brother about this tooth brush affair, he said to Mr. Beach, "what a d—— cheek that Brown has got to go to the store-room and get things, let him buy them if he wants them."

Mr. Beach said to him, "well, you have not much room to speak, what about those poison stockings you have been wearing all along?" When H. B. Brockway had left the office Mr. Beach turned to him and said, "I hit him hard then, didn't I, Hill?" But the best joke in the affair is, that a short time after I received orders to discontinue the store-room ledger, and up to the time that I was removed no record whatever was kept of the store-room; I think it was discontinued about November, 1879; I spoke to Mr. Brockway once on the subject, and he said "I will devise some new and more efficient plan."

## JOSEPH HILL.

The only points made in that letter entitled to any notice at all I judge are two. First, that he is illegally transferred, and second, transferred because he possessed knowledge of certain irregularities in the accounts of the Reformatory which he alleges he was intrusted with. He was legally transferred by the order of the board of managers, assigning in the warrant of transfer incorrigibility, and according to his own admission he was over age, which is a sufficient reason under the statute; he was judged incorrigible because of a most dastardly attempt to escape, and because his influence was pernicious, he being a most apt criminal; as to irregularity of accounts, we opened at one time a ledger in which we undertook to keep track of the stockings and shoe strings and buttons and thread, and small articles of that nature dealt out daily to inmates; kept track of them to ascertain who was wasteful and who was not; he opened that ledger, it was found after awhile it was too much a matter of detail. All he says with regard to peculation in that article is false, unless in the case of the man Brown who did in an exigency draw a pair of cotton socks which cost 12 1-2 cents, which come to my knowledge immediately and for this irregularity was reproved. Hill has sued out a writ of *habeas corpus* where he had an opportunity to present his claim of illegality at Cayuga county, and he was remanded by the court.

Q. Is it true he was perfect in his marks at the time or up to the time of his transfer? A. Not up to the time of his transfer, but up to the time of this attempt to escape which occurred two or three weeks before he was transferred.

Q. The immediate cause of his transfer was his attempt to escape? A. Yes, sir; we affirm our judgment of his incorrigibility.

Q. On your former examination reference was made to letters written by Mr. Hughes of Albany to you concerning his son? A. Not here. (See supplement.)

Q. What do you say as to the proposition the prisoner should be allowed compensation for extra work? A. I believe the principle is sound, but practically it is very difficult to apply; I have had some experience with it in the Detroit prison. Where we were running on public account and paid quite large sums at one time to men that were expert, the result of all the experience and thought I have given to it is that the only proper way to apply it is to

divide upon some just principle *pro rata*, the cost of earning from the cost of maintenance.

Q. Equally? A. On some just principle.

Q. Depends some upon the length of the term they have to serve? A. No, sir; I don't put much value upon that, but the value it would be to the man; the money should be earned upon a just established scale. For instance, take the three grades, that would be graded up at the end of the year *pro rata*, more to the first grade and less to the second and less to the third, and no money should be distributed to prisoners during confinement, and they should be allowed to purchase no articles of luxury. The Joliet prison before it went into public account system was carrying on largely the industry of stone-cutting, when Mr. ——— took hold, and he found the State from the treasurer and tax payers was paying along about \$50,000 a year as over work to the convicts in the stone sheds and it was badly managed. He told me on Saturday afternoon they were allowed to transfer balances, and that he had on every Saturday a miniature stock board with all the clamor at the door of the office; the transfers being to settle gambling debts as a rule. We don't need the overwork system, we have sufficient with the indefinite principle and marking system under it. It would be extremely serviceable to all of our men if we were as we might have been earning sufficient to maintain our establishment and could divide the proceeds as I have stated upon some *pro rata* principle. I desire to correct the minutes of some former meeting; if you please, in the first place, at page 347 in my testimony, insert the word "admission," "before I get through with them on their admission," page 348. Men are not marked technically for violation of simple rules, and a labor task is a matter of record, and schools is a matter of record; you make me say demeanor is a question for the teacher; I said demeanor is not a question for the teacher. Now in relation to the testimony of Horan taken at Elmira, he testified to an occurrence that took place in September or October, 1879; Horan was not at the Reformatory and not employed as he stated; he was during the years 1879 and 1880; he was employed there during August, September, October and November, 1877. Such an occurrence as he swore to could not have occurred without my knowledge; I never heard of it till he swore to it. He swore two men approached Mr. McKelvey and took off their hats to apologize.

Q. Such an occurrence if it took place must have been known to you? A. Yes, sir; it would have been reported by the principal keeper in the regular order; it is impossible to have occurred; I desire to explain what I fear may be distorted, some of the testimony in relation to working over eight hours; if for any reason the iron comes down slow in the long days we give whenever it is asked ten, or fifteen, or twenty, and I think at one time thirty minutes, and I notified Mr. Thomas he would have to adjust his affairs to keep within the law; and it is fully compensated for on the other side by interruption to the labor; sometimes we don't get eight hours; I would like to state what is already in the knowledge of the com-



mittee, that the only two prisoners who were brought before you declaring their inability to perform their tasks have since performed them, and are now performing them — McClees and St. Ledger; McClees has a surplus; the boy Lyon who swore to his inability to carry iron is now doing his work cheerfully and well, and finding no difficulty in carrying his iron; I desire to state that the conditional release of a man is not determined by the superintendent, but by the board of managers, and so is the duration of the period of parole determined by them; and in the case of Krowl, that his absolute release was unjustly withheld; he has since indulged in dissipation and fled the town, which is substantial evidence of that restlessness of the man; should he return to Elmira he may be arrested, or not, as the managers shall order; the order of arrest is always by the majority of the board of managers; as to partiality we are partial to good men, who do well and get on; this is approved by the judiciary of the State: Judge Follett being accustomed in every sentence to say to the men, you will find at Elmira partiality, I approve of it, if you are good and faithful they will be partial to you, and if you are not, you don't deserve to receive any favors of partiality, that the whole basis of the Reformatory treatment, one of the fundamental ideas in practical administration, is to encourage right public sentiment by the reward of well doing, and the natural consequences to those that do evil; it is stated frequently we have overseers or keepers who are prisoners; we have not, we have monitors, and in every instance, who perform their duties in the presence of the citizen keepers; I might say they are quite as faithful as the keepers themselves; we sustain our monitors when they ought to be sustained; some murders have been committed in the State prison; there is nothing that more excites the animosity and revenge of the average convict than to be given away by another prisoner who stands up in the presence of others and gives their testimony of the conduct of which we judge as would be judged of by men of our capacity if we were in court; I desire to call the attention of the committee to the guards that surround any injustice of marking on the part of officers or monitors who are employed; I would like to have it distinctly understood that the keepers and monitors don't mark men, their whole duty consists in making a faithful report of every occurrence, no matter whether they esteem it right or wrong, they are obliged to make reports in relation to every man under their charge every week; these reports come to me personally, and I determine from the examination of them what number of marks the man has properly earned during the month; this is recorded in the pass-book and sent to him; if he is dissatisfied with it he notifies me always, and I open immediately after the distribution of the pass-book a court there; not the court of managers, but a lower court; the prisoner comes in with his book and makes his statement in my presence; a statement of the officers and prisoners who have accused him; it is a very interesting and very useful occasion, one of the most useful influences I am enabled to send out from that court is forgiveness, not in any sentimental sense; a man may be justly but

technically marked, and I often do that in the monthly marking, for the very purpose of having him ask to have it remitted, and granting his request when immediately there springs up in him if he is any man at all more or less gratitude toward us; there are some very interesting things, and radical changes in the course of conduct of these men, and the beginning of a rational reformation is frequently traced from the exercise of that prerogative — forgiveness in court; another guard thrown around any injustice are the frequent interviews inmates have with me; not only when passing through the establishment, as I do nearly every day and often, but at evening hour between five and six o'clock, having notified me by a note put into my private letter-box that they desire an interview I go and see them; it is now from eight to fifteen every day, little matters of one sort and another; and another guard to which allusion has been made is their right of appeal to the board of managers; it seems to me it is sufficiently guarded; in relation to the food, there is no limit as to quality, except the limit of a man's appetite; I think the burden of the whole testimony is that it is good; some dissatisfaction arises among those who take their meals in their room, not because they don't get enough in bulk, but because they don't get enough of the particular constituent of the ration; one would like all meat, and another all-vegetables; coffee or tea is supplied with every meal unless milk is given; there is testimony by somebody I think, about the fellows hiding bread and getting marked for it; they are never marked three marks; we mark a man one mark if we find him wasteful in bread; otherwise the loss would be great; we feed this mush supper three nights a week; they prefer the bread; we feed it because it is cheap and wholesome; we don't allow them to take at the noon ration more bread than they desire for that meal and hide it away, and then waste that bread or the other food; Easter Sunday we have eggs, and the fruit season, occasionally fruits; strawberries we have fed; and all dissatisfaction ceases in the men to the matters of minor importance when a man reaches the first grade, where he can do what he pleases; the difference is a salutary one, and it is one of numerous things of the kind we push on in this upper direction; something has been said as to propriety of mingling the different grades of character; we undertake to produce as nearly as may be a condition analogous to ordinary society, and we have to test the ability of men to live in the ordinary society outside, and we hold that under this all-mighty motive the love of liberty; if a man cannot live here by his contact with bad men without being influenced by them the probabilities are he could not live in such contact with bad men when uncontrolled by any restraint, and I think it is doubtful whether he is fitted for a free life; it seems that a word of explanation should be given as to the demands made upon men in school, and in labor, and in self-control; there is some testimony before you that it seems to be above their ability: Mr. Nicks answered that he thought it was a deficiency of will power, which is very satisfactory; one of the results we seek to ac-



comply is added will power; by repeated failures and efforts he gets like this man Donohue; after two or three years fluctuations like waves of the sea there develops a new power and the matter of graduating the requirement so as not to crush but best cultivate the will power must be left to somebody. If you have an interested man without vindictiveness and a wise board of managers I do not know how you can do much better; I would like to say with regard to the school marking, it is made on the basis of marking public schools. School is in charge of a teacher of thirty years of experience; they are all of them college graduates; the teachers are not officers, and they mark upon the same basis it is in the public schools, with this difference, that unless they get a hundred in the public schools they don't pass; that is, if they get seventy-five on the scale of conduct they are marked perfect in my ledger; as to labor you have enough about that, that is a matter of record, subject to judicial examination at any time. As to demeanor there are certain rules; you will find if you go into the subject that I constantly excuse one, two or three trivial offenses and sometimes more and mark him perfect in demeanor if he is perfect in labor and study. This is what I go on; where I mark him imperfect I subsequently restore the perfect marking if that is best calculated to aid his progress, and the statement of the little doctor from Elmira as to the ability of any one man and my own moderate ability to administer this system is hardly worthy of consideration after what has been said by the manager. I am not very burdened with work, and am in good physical condition, and probably will live as long as most men, and I do not neglect my duties, I enjoy it very much — a subject of very deep interest in many individual cases that constantly come before me. Not from the standpoint of benevolence alone, but with a view to evolve a system of criminal treatment that shall operate somewhat to suppress crime in society; the statistics we produce show we have met with measurable success.

Q. You depend upon your subordinates for the conduct of individual prisoners? A. No, sir, on the admission of the prisoner, I go into a personal examination.

Q. As to his daily conduct? A. We take the statements of the officers as to his daily conduct which are subject to the three guards as I have stated; the personal interview and next to the lower court and then the review of the court of appeals. In addition to that in the other departments of study and labor we have a written record; in every department of industry and he has his daily ticket and has an opportunity to complain on the spot; now as to the organization of an institution of that sort which Doctor Krackowizer was so wise about, I will state, without elaborating, three principles. First, there must be power in the administration; next, it must be centralized in some one man; second, it must be supervised by him; we have all that in the organization of the reformatory and we believe it is running successfully. As to the propriety of a resident physician and chaplain something has been said about that. You

will find if you go to State prison that the physician is not occupied with his duty over half a day; the physician comes every morning and goes thoroughly through the establishment, and tends to the sick call and goes away usually about noon; he is within call by telephone and telegraph and is about as handy as if up stairs in his room. We do not desire the presence of a physician any more than we have it.

Q. And don't object to it? A. It is objectionable in some respects; in the Albany penitentiary it is as with us, but at Sing Sing different with the sixteen hundred prisoners; you will readily observe that under this marking system the prisoners are brought in such constant contact with him that much of the matter or duties usually devolving upon chaplains must be done by him, the superintendent; if he is a proper man, I enter into the states of mind, discouragements, hopes and plans for the future as no chaplain can; we have religious services regularly every Sunday by a Protestant chaplain and whenever a prisoner desires a private interview the chaplain remains after service and has such interview with him; a Roman Catholic chaplain comes once in—the constant ministration of one voice as chaplain week by week and month by month and year by year becomes exceedingly monotonous, very much is added by the introduction of a new man here and there; we have a bright intelligent man who speaks two Sundays, he is a Methodist, very entertaining; then we bring in another, a veritable John Knox, his name is Knox.

By Mr. Nicks:

Q. What would you think of the plan of employing a resident chaplain? A. In the first place money won't employ a competent chaplain always, and the next place I wouldn't employ one unless it was stipulated that he should change with some other preacher every two weeks.

Q. You could not employ a competent resident minister to be there at some salary? A. No, sir; not properly; I wish to say in that connection in such a close and thorough work as we are doing, not the ordinary superficial work of an ordinary prison, but where I am brought into such vital contact with every man, that is an annoyance and hindrance to have individuals dabbling with it very much; Dr. McCarty comes up occasionally and promised to come up once a week and go about the cells; when he comes in he tells me his conversation, what it is about; it is what were you sent here for and gets all the circumstances of the crime, just the line of thought we want to shut out of their minds; it takes three or four years before a man can go through there and say the right thing; I wish to say one more thing, and that is as to the discontent of prisoners, discontent with the present, with every man and all classes of people is the essential condition of growth and development; voluntary growth and development. We seek to produce it

not for the torment of the convict; we seek to produce a spirit of discontent with degradation and vice; the very best thing about our system is, that under the definite sentence he is sodden and content with his lot; but here he is constantly aroused and pushed on to something better; I wish to make a supplementary statement which you already have, that of the forty-six inmates who have been detained two years and over there are only forty-six; of these sixteen are State's prison ex-convicts, or have been returned when on parole, having been out and tried and come back, and thirty are those who by continued misconduct are detained till they shall come up to the proper standard.

Q. Have you at the Reformatory a prisoner by the name of Lechaung? A. He was a prisoner transferred in 1876 from Sing Sing, to work on the buildings and ground; he is insane, we judge, but not so insane as to be dangerous; at the expiration of his definite period we employed him on the ground and finally gave him a permanent place as gardener, and we finally discharged him on the ground of insanity.

ALBANY, *March* 12, 1880.

Mr. BROOKWAY:

SIR—Your answer to my letters does not suit either my surgeons or my counsel as far as the blistering is concerned; a bath would not put both skin and flesh off his body, it is the cruel treatment he received at the hands of murderers in that prison; as I have said before, I have witnesses here to prove you have not mentioned to me how he left the ranks at noon and went to his bed-room instead of going to his dining-room, as you stated in your letter home; I have all your letters and dispatches; you must have very watchful guards to watch over those going in and out from their meals; you might just as well say here in the Albany penitentiary they could escape out of the ranks; I have seen them too often to take that soft story from you; I shall not write again until you give a satisfactory answer to the above and that must be soon. I want no more fire-side stories.

Yours,  
(Signed) JAMES HUGHES,  
37 Ten Broeck Place, Albany, N. Y.

ALBANY, *April* 26, 1880.

Mr. BROOKWAY:

SIR—I would like to have you send me a copy of the coroner's inquest of my boy Wm. Hughes; I want the minutes of the whole proceedings; I had Coroner Kerr from here to write to the coroner of that place, but he got just what I expected, a sketch, just what I told Dr. Swinburne that would come, so now I ask you for them because we have to get them; I was going to go to Pils-

bury, but I thought I would see what you will do first ; I have all the evidence otherwise that is necessary from the institution to prove that the boy was murdered there ; you said that my boy was to work that same day that he was murdered ; when I got proof how he fell in the yard and how he was thrown in the boiling water and when he came to, the order was to send him to work and make him work ; that don't show that he was to work on that day and you to write here the day before his death and not mention that he was in that state ; I have got all your letters and dispatches ; I suppose that I will need them ; you will be surprised by the testimony I will show how my boy was tortured to death in that murdering institution ; then going to throw him in that boiling water, hot enough to scald a pig ; there was another thing when you threw him in his room not even to give him a drink nor even the least nourishment ; I will show all I say and considerable more ; I have not been idle—you will please send me a full copy of the inquest as soon as possible, and oblige,

(Signed) JAMES HUGHES,  
37 Ten Broeck Place, Albany, N. Y.

ALBANY, *March 8, 1880.*

Z. R. BROCKWAY, Esq.:

SIR—I have been authorized by the direction of the coroner what the cause was for you to blister my boy, Wm. Hughes, so as to cause his death by so doing ; I have been directed by the authorities to get a satisfactory answer, otherwise I will bring you here and have you to explain the matter ; there is other cases than that is going to be attended to as well as my case ; I have got witnesses here from them that is to show up this institution, how you murder poor victims that you got and you control ; the idea of you saying that my boy left the ranks on that day that he was murdered is false, I got good witnesses to show to the contrary ; I have got your letters also ; both my counsel and my doctor told me to keep them ; I myself will be the one that will go there and bring you and the rest of the assassins to Albany ; please write immediately and oblige,

(Signed) JAMES HUGHES,  
37 Ten Broeck Place, Albany, N. Y.

ELMIRA, *July 23, 1881.*

W. K. McCLEES, Esq., Yonkers, N. Y.:

DEAR SIR—Obedient to the requests from New York and in accord with my own feelings I placed your son in our office at clerical work ; he has disobeyed the injunction laid upon him, giving in advance and secretly information of the records to inmates ; while it is not of great damage to us it reveals a weakness on his part akin to that weakness that makes him an inebriate with all the consequences following or that have followed ; of course he cannot con-

tinue in the office and I write to state my plan for his further treatment and to secure in advance your concurrence, because at first my plan may not meet with William's approval ; for any good hope of reformation he needs the firmness of nervous fibre that can come alone of good health and labor ; his medium of the mind must be in good repair or the better purposes of the mind itself will falter and fail before they could be executed ; I propose now to put William at moulding, careful not to overtask him, indeed not to task him at all at present if he makes proper exertion ; he will feel opposed to the sweat and toil of such work, but if he succeeds at it he will by and by derive a pleasure from it and be ennobled by it ; when his well-knit frame has become hardened in nerve and muscle the mind will have or seem to have new energy, he will become conscious of the strength he so much needs just now ; I intend to put this plan before him and secure, if possible, his voluntary acquiescence, but at any rate to carry it out unless you, his father, know of some good reason for not doing it ; I will await your reply before taking any action in the matter.

Truly,  
(Signed) Z. R. BROCKWAY,  
*Gen'l Sup't.*

YONKERS, *July 25, 1881.*

Z. R. BROCKWAY, Esq., Elmira, N. Y.:

DEAR SIR—My husband received your letter of the 23d inst. this morning ; we are deeply pained that Edward, our son, should have violated the trust reposed in him and yet it should not occasion surprise that after so many years of vicious living, having every nerve and tissue of his organization deteriorated by alcohol he should not at once yield to judicious discipline and have all the faculties of mind and body restored to healthy action ; both Mr. McClees and myself and his sisters feel very grateful that Edward is placed in an institution which seeks to reform and make good citizens out of offenders against law and order ; we wish to assure you of our entire confidence in your judgment of his care of his physical and mental condition and the needs growing out of it ; when I heard that office duties had been assigned to him I confess to disappointment that it was not manual labor, because for many years it has been my conviction that such exercise, properly regulated, might prove more efficacious than brain effort ; my preference, however, would have been for agricultural labor.

We trust you will obtain his consent for any line of work which seems to you best adapted to his present capacity and needs, and rest assured of our earnest co-operation in any wise method looking to his restoration to sobriety and correct living. Let us not forget in all our endeavors that the humanitarian idea in itself is insufficient to cure the disorders produced by sin, and so let us lead the minds of the wanderers from the Father to Jesus, the Saviour, through whose merits they may obtain the renewal of their natures and be

transformed in the spirit of their minds. I believe that in our complex being of the *human* and the *divine*, there lie infinite possibilities to be developed on one side by the skill of science and on the other by agencies miraculous and divine. May the God of all grace and wisdom aid you, dear sir, in the fulfillment of your arduous and responsible duties.

Believe me, yours, truly,

(Signed) S. A. McCLEES.

Please remember me affectionately to Eddie.

STATE OF NEW YORK, }  
Chemung County. }

H. D. Wey, being sworn, deposes and says :

*Deposition of H. D. Wey.*

I, H. D. Wey, physician to the New York State Reformatory, and practicing in the city of Elmira, affirm and state that in July, 1879, William Minch, an inmate of the Reformatory, came to me for relief from a diarrhoea and sharp abdominal pains. He was of slight stature and sallow appearance, and with the exception of a hemorrhage some months before (previous to my assuming the medical service), gave the history of good health. From his story I regarded the hemorrhage as bronchial rather than pulmonary. I prescribed for his diarrhoea and pain, and in a few days he resumed his work again, apparently as well as ever. During August and September, at intervals of a week or ten days he experienced repeated attacks of diarrhoea; he also had a dry hacking cough, but physical examinations made at varying periods failed to reveal any indication of pulmonary trouble. The frequency of these attacks, severe and of short duration, made inroads upon his general health and he was put upon a generous diet, receiving special rations in connection with cod liver oil and iron. His work was changed and he was transferred to the garden and hot-house. Under this regimen his general health seemed to improve, he gained in strength and had less diarrhoea.

In the beginning of October his cough with little or no expectoration became more troublesome. At this time and upon subsequent occasions a careful examination of the chest failed to reveal any indications of pulmonary trouble. His condition passed from bad to worse; the character of the cough changed and there was free expectoration indicating bronchial catarrh. This state of affairs continued until the middle of November when I noticed the young man passed the greater portion of the day asleep in his chair. Awaken him and he would converse, but leave him to himself and he would soon fall asleep again breathing in a stertorous manner.

A chemical and microscopical examination of his urine enabled me to diagnose chronic Bright's disease of the kidney. Upon my stating to Mr. Brockway that the case would terminate fatally before many



weeks, and upon his representations, the board of managers paroled Minch and he returned to his home in the town of Southport, Thanksgiving Day, 1879; I saw him last upon the day of his removal. Upon his return home, he was, I understand, treated by his family physician up to the time of his death, a few weeks later. In filling out the certificate of death, consumption was abscribed as the cause; this is an error of diagnosis and is not sustained by the facts of the case. For six weeks more or less preceding his death Minch was made as comfortable as possible and excused from all work; the month of November was passed in the hospital. Bright's disease may exist for months without detection; the patient himself may not know of the morbid processes going on within him. Convulsions oftentimes give the first intimation of the disease. The disease may simulate a number of distinct affections, as consumption, chronic diarrhœa, and gastritis. Alvah Tibbetts has been an inmate of the Reformatory for the last twenty-eight months to my personal knowledge. His health at present is poor, has pulmonary disease: I have repeatedly seen and prescribed for him; he had been in the hospital twice for pulmonary hemorrhage; 1880, October 11th, till November 15th, inclusive; 1881, September 18th, for two weeks or more. He is at present in the tailor shop and is receiving daily an extra diet. In December, 1879, 17th, examined him for injuries received while resisting an officer, Mr. Beach. Injuries consisted of bruises on head and face, and, I think, a slight cut on one ear; they were not sufficiently severe to call for treatment. In February, 1880, he had a mild fever of about two weeks' duration, and during March was troubled with chills. Upon my suggestion he was given out-door work in the spring of 1880, and was employed in sweeping walks and cleaning the yard until June 12th, when he attempted to escape. Since the spring of 1880, so far as my knowledge goes, no regular task has been required of him; his disease I consider incurable, he may die from hemorrhage at any time, since he has a predisposition that way, or he may linger on for months or possibly a year or two, the last is hardly probable.

As I was asked the question upon a summons trial, I will state here that in my opinion there is no connection between his present condition and pulmonary trouble, and the injuries he received while resisting Mr. Beach in December, 1879, nor from his confinement in number four. He walked in from the shop, and made no complaint concerning his chest, in consequence of which I did not examine him for injuries in that locality. If his pulmonary trouble had had its origin at this time, it would not have lain dormant ten months, or until October, 1880, the time of his first hemorrhage. He would have been likely to have had immediately or within a few days an acute attack of pleurisy which might have become chronic and eventuated in consumption with hemorrhage; while in fact, he never complained of any symptom or set of symptoms indicative of pleurisy.

During the thirty-eight and one-half months I have been connected with the Reformatory there have been twelve deaths as follows:



1879, acute peritonitis, one; acute pleurisy with heart disease, one. 1879-1880, apoplexy, one; suicide, two; homicide, one. 1880-1881, consumption, two; Bright's disease of the kidneys, one; dilatation of the stomach, one; suicide, one. 1881-1882, typhoid fever, March 4th, 1882, one.

Owen Maguire. — On the morning of September 14th, Owen Maguire came to me not asking relief from work, but that he be excused from marching in line and carrying his bucket. He complained of shortness of breath, and a sensation as if there was a lump in his throat; he thought his lungs were implicated. I made a careful physical examination and failed to find any evidence of pulmonary disease, and so assured him; this was between a quarter to nine and nine; after the examination Maguire returned to the shop. Shortly afterward I was summoned from the hospital by a messenger to go to the shop; Maguire was sick. I immediately went to the shop and upon arriving there found Maguire dead. I was told that after seeing me he had returned to the shop and resumed his work. After working for a few minutes he had dropped down apparently in a faint, but all efforts made by the men to revive him failed; he was dead. The body was removed to the hospital and placed in the south-east room; I notified the coroner of the sudden death. That afternoon at two, I made an examination in the presence of Coroner Dundas. Stripping the body there were no marks nor abrasions to be seen. In the left hypochondriac region succussion could be felt and a gurgling sound heard, but no unusual prominence was noted. Opening the abdomen the stomach was found distended and reaching from the fourth intersected space downward to a line about an inch above the navel, and laterally from two and a half to three inches to the right of the median line. There was no stricture at the pyloric orifice and the walls presented no material change. The organ contained fluid and gas; the left kidney was increased in size about one-third, the right was normal; both were somewhat congested. Urine was drawn from the bladder and upon being tested proved free from albumen. The remaining organs of the abdomen presented nothing unnatural. The heart's freedom from disease was noted. Each lung had numerous small adhesions binding it to the walls of the chest, but no pulmonary organic lesion existed; the left lung was congested somewhat.

Opening the head the membranes of the brain were as follows: The duro mater adherent and a trifle thicker than usual; the pia-mater a little congested as was also the brain itself; a careful examination failed to reveal any evidences of apoplexy or pathological change.

The sudden death and absence of lesion in the vital organs would point to the dilatation of the stomach as the primary cause of death; the pressure upward upon the heart and interference with its function induced syncope, or fainting from which the patient never rallied. According to Flint (*Practice of Medicine*, p. 414) succussion in the stomach is almost pathognomonic of dilatation; for a year or

more the patient had been troubled with constipation and resulting head ache, conditions which accompany gastric dilatation ; Maguire was employed in the brush shop and his work was in no manner injurious to his health ; with his disease he might have dropped dead anywhere and at any time ; sudden death from dilatation of the stomach frequently results, or is the general termination ; the disease is not a common one.

The above are the true facts regarding the cases of William Minch, Alvah Tibbets, and Owen Maguire, viewed from a medical standpoint.

H. D. WEY.

Sworn to before me, this 20th  
day of March, 1882. }

J. SCOTT BALDWIN, *Notary Public,*  
*in and for Chemung Co., N. Y.*

ELMIRA, April 4, 1882.

E. R. KEYES, Esq., *Chairman Sub-Committee on Reformatory  
Committee on Prisons, Assembly State of New York:*

SIR — The following results were obtained by the examination of sample of urine voided by the convict :

Charles Lyon ; color, straw ; reaction, alkaline ; sp. gravity, 1023° ; sediment, none ; albumen, none ; sugar, none ; microscope, nothing.

Investigation closed.

*Dr. John Swinburne*, being sworn, says :

I am a graduate of the Albany Medical College since 1846 ; was six years in quarantine, two years in Europe, practiced in Albany rest of the time ; Mr. Hughes came for me and informed me that his son was dead and an inquest was to be made on his body at the undertakers in Broadway, corner of Lumber street, wanted me to attend and witness the *post-mortem* ; *post-mortem* was not conducted by me, it was conducted by the physician of the coroner ; I was present as a witness ; Mr. Hughes was apprehensive that he would not get at the facts in the premises ; it was held some time in the day ; I think it was in March ; the weather was cold (but not freezing) ; the room was neither warm or cold ; no frost in the building ; the body was in a coffin ; took it out and laid it on the cover ; it was soft, not frozen ; perfectly fresh ; no decomposition gone on at all ; Dr. Balch and two or three others, Dr. Burton and think Dr. Keegan ; in view of the fact that it was alleged that he had hanged himself we examined carefully the parts of the throat above where it was supposed the fillet had gone around his neck, and found it corresponded with the condition that usually exists in cases of death by hanging ; marred by bloody mucous and

congestion of the parts below the point it might be supposed the fillet would be used, we found an absence of this characteristic appearance, we found all the organs of the body healthy, we found the scarf skin loosened from the true skin in all parts of the body except the toes, knees and tips of shoulders, the hands, head and face; there were patches of the body where the scarf skin had been removed from the true skin, where the true skin was dried and dampened from its exposure to the atmosphere; the residue of the body was in that condition that you could take your hand and slip off the scarf skin with perfect ease; on the head, the tips of shoulders, the hands, the knees and the toes you could not separate the scarf skin from the true skin; I have never experimented by immersing a body after death in water at 110 degrees temperature; I never experimented by immersing a body alive in water at one hundred and ten; cannot say what temperature of water a man could stand; do not think that immersion in water at one hundred and ten would scald or injure unless continued or would not prove fatal to a person in life or health; don't think that immersion of a body at any temperature where life was extinct would blister or separate scarf skin from true skin; I don't state this only as an opinion, never having experimented; 110 degrees would not blister in any case, either dead or alive; unfortunately I expressed an opinion at the time that the body had been in hot water; extreme heat applied to the surface so as to separate the two skins would retard circulation rather than favor it, while moderate warmth to the surface would help to restore capillary circulation and thus help to relieve the enlargement of the heart and lungs; it was evident that there was nothing but the last ebb of organic life, if any life; I should say that evidence appeared that death was caused by strangulation from appearance of mucous in the throat and neck above; on the other hand, that upon the assumption that a bath was given, it was given upon the assumption that there was a vital spark remained; the profession differ, many of them would give warm baths; under such circumstances it was not censurable; Dr. Wey is a very able physician; color of body was normal; it was not cherry red, it was white in appearance; under the circumstances I do think that immersion in water at 110 degrees half an hour after hanging would have produced the condition of the skin that was found; the skin that was not separated had the normal appearance; where the skin was separated there was less roughness in appearance; there was neither evidence that the vital spark was gone when immersed; if the vital spark had existed at time of this immersion in water sufficiently hot to separate the skins the shock alone would have destroyed what remained of the vital spark; I would rely upon the judgment of Dr. Wey and his opinion I would respect.





**STATE OF NEW YORK.**

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**No. 131.**

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**IN ASSEMBLY,**

**MAY 5, 1882.**

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**TESTIMONY**

**TAKEN BEFORE THE ASSEMBLY COMMITTEE ON  
STATE PRISONS IN THE INVESTIGATION OF SING  
SING PRISON.**

**[Assem. Doc. No. 131.]**

**1 •**





## TESTIMONY.

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At a hearing before said committee at Sing Sing prison, March 11, 1882.

Present — Hon. JOHN O'BRIEN, Chairman ; EDWIN R. KEYES, J. R. SHELDON, E. R. FARRAR, of committee.

Mr. KEYES presented as part of the record the original resolution of the Assembly authorizing the investigation, and also the resolution authorizing the committee to sit at Sing Sing as follows:

### STATE OF NEW YORK :

ASSEMBLY CHAMBER, }  
ALBANY, *February, 24 1882.* }

On motion of Mr. KEYES,

“Whereas it is currently reported that the State prison at Sing Sing is run in the interest of the contractors ; that the moral welfare of the convicts is neglected ; that many of them are compelled to work on Sundays ; that certain notorious criminals are treated with distinguished consideration, while others in a sick and enfeebled condition are treated with great severity ; and that other serious evils exist in connection with the management of said prison ; therefore,

*Resolved*, That the committee on State prisons be and they hereby are instructed to inquire and investigate concerning the management of said prison and report the result of their investigation to this House, and what, if any, legislation is necessary to remedy the evils complained of ; also that the committee be authorized to employ a stenographer at a compensation not to exceed fifteen cents per folio, and to send for persons and papers.”

### STATE OF NEW YORK :

ASSEMBLY CHAMBER, }  
ALBANY, *March 10, 1882.* }

“On motion of Mr. KEYES,

*Resolved*, That the committee on State Prisons be and they hereby are authorized to sit at Sing Sing and Elmira for the purpose of

conducting the investigations ordered by this House, of the management of the State prison at Sing Sing and of the Elmira State reformatory.

I certify the foregoing was duly passed,

[L. S.]

EDWARD M. JOHNSON,  
*Clerk.*

Mr. KEYES asks if the prison authorities appear or desire to appear by counsel.

Mr. Warden BRUSH says that they do not appear by counsel, that he considers himself competent to take care of his own interests in the matter.

*Elihu R. Campbell*, being duly sworn and examined, testified as follows ; Mr. O'Brien administering to him the following oath, to-wit:

"You solemnly swear that the evidence you shall give upon this investigation, concerning the management of Sing Sing prison, shall be the truth, the whole truth, and nothing but the truth, so help you God."

By Mr. KEYES:

Q. Mr. Campbell, where do you reside ? A. 594 Grand street, city of New York, county of New York.

Q. How long have you resided there ? A. I have resided there since the 17th of last June, I think it was.

Q. Where was your residence prior to that ? A. On Washington avenue, Sing Sing, no number.

Q. How long had you resided there ? A. In Sing Sing ?

Q. In Sing Sing ? A. From the previous first of May, since 1880.

Q. Prior to that, where was your residence ? A. In the town of Dannemora, Clinton county, in Clinton prison, as mess-room keeper.

Q. How long were you employed there ? A. From May 4, 1878, to the time mentioned — April 1, 1880 — I was transferred from there here, to duty in this prison.

Q. Where was your residence prior to going to Clinton prison ? A. In the city of New York ; No. 8 Jackson street, in the city of New York.

Q. For how long a time ? A. From the 7th of November, 1877, when I left this institution.

Q. How long were you connected with this institution ? A. I was appointed to this institution on the 14th of February, 1877, previous to Mr. Pilsbury's having charge of the institution.

Q. Prior to that where did you reside ? A. In business at the foot of Grand street, in the city of New York ; I resided at No. 19 Mansion street ; I was born in the city of New York in 1831, and have lived there all my life, except the time I have served in these institutions.

Q. Your first connection with State's prisons was at Sing Sing? A. The 14th of February, 1877.

Q. What had been your business prior to that? A. Proprietor of the East River Oyster House; I have been in that business most of my life, except the time I served under the government.

Q. What is your present occupation? A. Been engaged in no business and haven't been since last September.

Q. How long were you connected with Sing Sing prison? A. I was appointed on February 14, and left here on the eighth day after election.

Q. November following? A. November following.

Q. What was the occasion of your leaving? A. Well, sir, may I be allowed to state that in my own way?

Q. Did you resign? A. I did not.

Q. You were discharged? A. I want to except that with an explanation.

Q. I have no objection to your stating that? A. At that time just previous to election I had received some letters from parties who were political friends of mine, asking me if possible to go to New York. I was secretary of an organization there; these parties wanted to use my influence — parties to whom I was indebted. I made application to parties here for leave to go; I may say that parties were being granted leave of ten days to attend election; they said when election day came they would give me answer; on the night previous to election, I had been doing night duty and I wanted to go to New York at twelve o'clock; the night before election I was removed from night duty to day duty.

The morning before we went on duty I applied to the head keeper and asked him to let me go home. I asked him if he would let me go home on the ten-five train. He said he couldn't let me go at all. Then I said I could do better, that sooner than disappoint my friends I would go. When I applied afterward for duty, I was told that I wasn't wanted. The matter was referred to Mr. Pilsbury, and he sustained me. But I was discharged by the warden under them circumstances. In fact I sacrificed my position for my friends.

Q. Do I understand you that you went from here to Clinton prison? A. Yes, sir.

Q. Have you been connected with this prison since you were at Clinton prison? A. Yes sir; I went to Clinton, and came from there here the day Mr. Brush took the position here. I came back the day Mr. Brush took charge of this institution.

Q. Now, then, you have given us an account of your removal from Sing Sing prison. But you came back here? A. Yes, sir.

Q. What was the occasion of your leaving after that? A. My second leaving?

Q. Yes. A. I was removed by Warden Brush. That was the document under which I was removed. (Exhibiting a paper.)

Q. Now, Mr. Campbell, have you any knowledge of the article that appeared in the New York *Herald* two or three weeks since? A. I have the article here.

Q. Are you the author of that article? A. I am, sir.

Q. Are the allegations made there made upon your own knowledge?

A. All except four or five cases on the east part—as to their treatment. They died after I left. But I know of their being in the prison.

Q. Will you look at that and tell me whether that is the article? (Handing witness a newspaper slip.)

A. Never saw that article; don't know any thing about it; I don't know any thing about that article.

Q. Have you the *Herald* article you referred to? A. Yes, sir.

Q. Allow me to see it?

(Witness hands Mr. Keyes a newspaper slip.)

A. February 23d.

Q. Did you write this article yourself? A. I did, sir.

Q. Did you write it from any papers or documents? A. You want to ask me did I originate it?

Q. Yes. A. I did, all but the dates and deaths of the parties that died after my removal.

Q. That part wasn't written originally by you? A. No, sir; that was information I had received that those parties who were working on that contract when I was there had finally died.

Q. From what source did you receive the statements that were not originally prepared by you? A. In letters that were addressed to my residence, 594 Grand street in the city of New York.

Q. By whom were the letters written? A. Well, sir, that is more than I can answer.

Q. Have you the letters? A. I have not, sir.

Q. Do you know where they are? A. Yes, sir; they were burned up, sir; I received information afterward that the whole detective force was on my track and I burned the letters up.

Q. We don't want these unnecessary details, Mr. Campbell. Why did you burn those letters? A. Because I thought the parties that wrote those letters—it would bring them into trouble.

Q. You had some supposition as to who the parties were who wrote them? A. I hadn't—not the least.

Q. Why, then, did you imagine they might bring them into trouble? A. It certainly must have been somebody in connection with the prison.

Q. You were well satisfied that it must have been some one connected with the institution? A. Yes, sir, or somebody that had been in connection with the institution.

Q. Had you been in communication with any person or persons with a view to obtain information in regard to the allegations set forth in this article? A. No, sir.

Q. Had you been in communication with any person or persons with a view of drawing out any statement in regard to the management of the institution? A. After I left?

Q. Yes? A. I had some talk with the officers.

Q. With a view to obtaining such information? A. I was always seeking any opportunity to gain information in regard to the management of the prison, both from the officers that had charge of these contracts, from the prisoners, or any one, and when I left this prison I openly declared that I would do all I could to expose this contract system.

Q. Did you embody the contents or substance of those letters in this *Herald* article before destroying the letters? A. No, sir; oh, yes; before destroying the letters, oh, yes; I had the letters after that

article was published; I received information that led me to destroy the letters.

Q. Was any name signed to those letters? A. No name—and no names addressed.

Q. Were they all in the same handwriting? A. No, sir; in different handwriting.

Q. How many letters did you receive? A. On that subject alone I received three, I think three altogether.

Q. Where were they postmarked? A. One Sing Sing and one New York and one was left at my house, 594 Grand street, one postmarked Sing Sing, one New York and one was left at my house.

Q. Were the letters dated? A. I think not, sir; I think there was no date, no address on the top of them, nothing, but started right off with the matter, signed by no name whatever.

Q. You accepted the statement contained in those letters and embodied them in the *Herald* article? A. I think there is five in the latter part of the article.

Q. This article contains the substance of those letters as to those five cases? A. Merely as to dates of admittance to hospital and deaths—not as to their receiving punishment, mind you—but merely as to dates of deaths and admittance to hospital.

Q. The letters did not go into details? A. Not at all, sir.

Q. The letters related simply to dates? A. Simply to dates.

Q. And had you been endeavoring up to the time of receiving those letters to ascertain those dates? A. No, sir; all that has come to me has come to me unsolicited.

Q. You were never desirous of ascertaining those dates? A. Yes, sir; very desirous.

Q. It happened that some one wrote you those letters giving you those dates about the time you referred to? A. Yes, sir.

Q. Had you any reason to suspect, Mr. Campbell, that those letters were written by any one confined in or connected with this prison? A. I couldn't judge about that.

Q. Had you any impression about it at the time? A. No, really I had no idea.

Q. Have you now? A. No, sir; I have never received any information since that would give me any information as to who they were.

Q. You remember the first letter you received, do you? A. I couldn't make a distinction now.

Q. Can you separate one from the other and give the contents of either of the letters? A. No, I don't think I could; after I had written up that communication they were of no use to me, and after I found out that there was such detective ability trying to find out where I got them I destroyed them.

Q. Now, Mr. Campbell, one of the charges which I understand to be made by the *Herald* article is that the moral interest of the convicts is neglected? A. Yes, that is embodied in it.

Q. That is one of the principal charges as I gather from the *Herald* article; we would like you to state any facts in your possession going to show that the moral interests of the convicts are neglected or not properly looked after? A. You can take that part of that statement in evidence.

Q. In this investigation we are compelled to confine ourselves to testimony? A. I have always considered that was the case.

Q. That is not the question; we call now simply for the facts falling within your own knowledge. We simply want to know what you know yourself about the substance of this allegation. What facts can you give to this committee going to show that the moral welfare of the convicts in this prison is not properly considered by the prison authorities?

A. For the simple reason that a great proportion of the convicts never see the inside of the chapel from one year's end to the other. Their duties are such that they are not permitted to attend; some of them are employed in the mess-room, the warden's house, and in the offices and shops while services are being held, and the chapel won't accommodate all of them. There is no instruction in schooling. It was commenced in 1880 under the auspices of the chaplain — two schools at night, and then it was abolished.

Q. Now you are going into the question of education? A. I say religious and moral education.

Q. I am confining the inquiry now as to their moral and religious welfare; their moral welfare mainly? A. That is what I charge; that there isn't proper time to receive religious education, as they had under the old management.

Q. I want to get at the precise state of facts which you say existed here, or now exist in reference to the moral training or culture of the convicts. What proportion of the convicts is excluded from religious privileges? A. Well, I couldn't give you the number.

Q. What class of convicts in particular? A. No particular class except those in the service of the State at the time the chapel is in service.

Q. What portion are they in — the convicts who are not allowed to attend religious services? A. They are in the mess-room, the warden's house, in the offices, in the various departments where they are required to do duty, and in the shops. They work in the shops on Sunday in the interest of the contractors.

Q. There are certain convicts in connection with the mess-room, the kitchen, dining-room, who are not allowed to attend religious service? A. Yes, sir; they have no opportunity.

Q. Do you understand that any complaint has been made by the convicts on the ground of a lack of religious privileges? A. I have had convicts complain that they didn't have time to rest.

Q. Can you name any convicts who complained to you on that subject? A. I don't think I can name any individual convict.

Q. Can you name any time when such convict complained to you? A. It was during the time I was keeper in the jobbing shop.

Q. During your second term here? A. A short time previous to my removal.

Q. How many convicts ever spoke to you on that subject? A. Not more than two or three.

Q. Can you state the conversation that took place between you and either of those convicts? A. No, sir.

Q. As a matter of fact, in the management of the prison is it necessary that a certain number of convicts should be kept at their work in



the mess-room or kitchen on Sunday ? A. I don't know, I had nothing to do with that part of the institution.

Q. Do you know how many convicts the chapel will accommodate ? A. Not the exact number ; I think about 1,200.

Q. Are the chapel services the only form of religious and moral instruction given the convicts ? A. The only one that I know of, except the convicts that ask their keepers for leave to visit the chapel.

Q. And they do have that privilege ? A. Yes, sir, by asking their keepers.

Q. The rules of the prison provide for that ? A. Yes, sir ; occasions when they want to write home they would ask the privilege.

Q. Or for the purpose of religious conversation ? A. I don't know that I ever had a convict in my company put it in that way either to write home or something of that sort.

Q. In your position was it not common for a convict to express a desire for conversation with the chaplain on religious or moral subjects. Did you ever hear a convict express such a desire ? A. I don't know that I ever have.

Q. There is a chaplain in connection with the prison ? A. Yes, sir.

Q. And was during all the time of your connection with it ? A. Yes, sir.

Q. And he was here every day ? A. That I couldn't say.

Q. Well, generally ? A. Yes, sir ; I think so. •

Q. Do you know what his duties were ? A. No, sir ; I couldn't define his duties under the law.

Q. Now as to working on Sundays. What facts can you give the committee tending to show that the convicts are compelled to work on Sundays ? A. I have been out with the men doing general repairs to the machinery in the shops.

Q. What was the alleged necessity for that ? A. I suppose to facilitate the interest of the contractors — an alleged stoppage during the week.

Q. How often would that occur ? A. I hardly noted a Sunday while I was in the prison that it didn't occur.

Q. Did you ever hear convicts complain of that ? A. Working Sundays ?

Q. Yes ? A. Yes.

Q. What convicts have you heard complain of that ? A. I couldn't tell you the names. They have said that they thought there were days enough in the week to work and that they didn't receive any extra food. They thought they ought to have extra food if they worked Sundays.

Q. Was there any complaint in regard to working Sundays by the convicts that it interfered with their moral or religious privileges ? A. I don't know that I ever heard them say that.

Q. It was on the ground that it interfered with their rest ? A. Yes, sir ; and they complained of it on the ground that if they worked on Sundays they ought to have more food.

Q. Were the convicts assigned to such extra work in consequence of bad behavior or for punishment or discipline ? A. No, sir, I never knew it to be the case.

Q. They were selected on account of their fitness for the especial work ? A. Yes, sir ; their knowledge of what was to be done.



Q. Were they occupied all day on Sunday generally? A. I have known them to be occupied up to four or five o'clock — not right up to bell-hours as on week days — though I have known them to work up to dark.

Q. Those were occasions where there was some unusual damage to machinery? A. I had no knowledge as to the necessity of the work, I couldn't see the necessity and spoke of it, I couldn't see the necessity of keeping the officers on duty.

Q. Do you know of any instance where convicts, companies of men or individual convicts, have been put to their regular work on Sunday?

A. Yes, sir.

Q. I do not speak now of repairs? A. Yes, sir, I understand you: I have been with them all the time, during my last term in this prison from April, 1880, up to May, 1881.

Q. Will you state one instance where that was done? A. Do you want me to give the date?

Q. Yes? A. I couldn't give the date.

Q. I don't ask you impossibilities? A. During the winter of 1881, I had been out in the laundry on Sunday, — several Sundays — the men did the same work there, the same duties that they did every day.

Q. In the laundry? A. Yes, sir.

Q. The full company at work? A. No, sir; not the full company.

Q. How many men did you see at work there on Sunday, how many at any one time? A. I have seen twenty or twenty-five in the laundry at work on the laundry contract.

Q. There is something over a hundred in the laundry contract? A. Yes, sir.

Q. Do you know what the circumstances were connected with their employment on that occasion — what the occasion for the work was?

A. No, sir; it wasn't explained to me.

Q. You were not a keeper in that department? A. I was, sir.

Q. At that time? A. I was, sir.

Q. And were you in charge of the company at work at that time? A. I was, sir.

Q. No explanation was made to you why they were kept at work at that time? A. No, sir.

Q. Did you object? A. No, sir; it was against the rules; I didn't object.

Q. Ever speak to any one about it? A. Not to a superior officer; I spoke to other keepers about it.

Q. Did you speak about the impropriety of keeping the men at work on Sunday? A. I did to other keepers.

Q. Did you ever speak to the officers of the prison? A. No, sir.

Q. Were there other keepers than you in that department at that time? A. Yes, sir.

Q. Not on Sunday? A. Yes, sir.

Q. Can you give the name of any keeper who was present on a Sunday in that department when convicts were at work? A. I can't think of any names, I can't think of any.

Q. Were they engaged in laundrying articles of clothing? A. Only the men in my employ.

Mr. BRUSH—I think he speaks of the men who sprinkled clothes there on Sunday morning.

WITNESS—I mean turning shirts, sprinkling and bringing them up, and there were men in the packing-room, not in my sight, but they were in the packing-room. There were many men in my department who were not directly under my eyes; the men in my department did the same work as on week days, some turned shirts and some sprinkled them, and some brought them up.

Q. For how long a time on any Sunday were they employed there—for how many hours? A. They would go out in the morning and go to dinner and come back again.

Q. Did you ever know of a company being employed there all day Sunday in the laundry department? A. Not in my department; I have known individual men, not companies, to be employed there all day.

Q. Did you know whether it was at their desire or request, or at the desire of the contractors? A. It couldn't be at their request, because they couldn't know any thing about it, such as taking out the stoves and repairing under them.

Q. Did you ever know of a company of convicts being employed on their regular work, ironing and folding shirts there on Sunday as on week days? A. I never had charge of the men in the ironing department; I say men in my department did work there on Sundays as well as week days, that is, on several occasions.

Q. Have you any knowledge of work in any other department on Sunday? A. Yes, sir.

Q. What department? A. I have seen men in every department of this institution working on Sunday, and in every department in Clinton prison and in other prisons the general practice is to do work on Sunday to prevent loss of time to the men on week days.

Q. How many kinds of work were carried on while you were in prison? A. At the time when I was here last and at the time I was here first they were different; in the last time they had the shoe contract, stove contract and laundry contract.

Q. During your second term were these the only three contracts carried on here? A. Yes, sir.

Q. Ever see any work carried on in these departments on Sunday? A. I never have seen any manufacturing done.

Q. Ever see any work carried on in the stove department on Sunday? A. I never have seen any manufacturing done there.

Q. Merely general repairs? A. General repairs, regular Sunday work.

Q. Do you know how long they were kept at the employment? A. I have seen them as late as five or half-past five.

Q. Did you see them? A. Yes, sir; I was on guard duty and their keeper saw them, but I saw them.

Q. But it was not the regular week-day work? A. Except as I say in the laundry.

By Mr. SHELDON:

Q. You can't bring to mind any keeper's name who had charge of

these convicts? A. Oh, yes, I can name some — Middleton he had charge of the "scratch shop."

By Mr. KEYES :

Q. On this one occasion you say Keeper Middleton was there? A. Yes, sir.

By Mr. SHELDON:

Q. Can you bring to mind any other keeper's name? A. No, I couldn't now really place any other keeper; they won't drive them; I put that in my article — that the prisoners are compelled to work on Sunday in the interest of the contractors.

By Mr. KEYES:

Q. Can you state any other fact or facts going to show that Sunday work is done in the prison and to what extent it is done? A. I don't know as I can give any thing further; it was about the same—general repairs — Sunday work in the interest of the contractor.

Q. Do you understand whether or not there is any rule of the prison in regard to Sunday work? A. Of the convicts?

Q. Any rule made by the prison authorities in relation to Sunday work? A. Nothing ever came to my knowledge —no prohibition.

Q. Well, under the general head of the moral and religious welfare of the convicts, can you state any other fact going to show that such interests are neglected? A. Simply religious?

Q. Or moral? A. Leaving out the educational?

Q. Leaving out their intellectual training? A. No, I don't know as I can give any thing further.

Q. Were they allowed reading matter? A. They were restricted.

Q. They are allowed to read; they have the prison library? A. Yes, sir.

Q. And many of those books contain moral instruction? A. Yes, sir, I suppose so; they had some very nice works in Clinton prison.

Q. Another allegation made in the *Herald* article, Mr. Campbell, is, in substance, that certain notorious criminals are treated with distinguished consideration, while others, sick and feeble, are treated with great severities — that is one of the allegations that you make, I believe? A. Yes, sir.

Q. Can you give us the facts lying within your own knowledge bearing upon that allegation? A. Any particular case?

Q. Well, yes; any particular case — of course this is a charge that involves particular cases — if you can give us any particular cases or instances where this has been done we shall be pleased to hear them? A. I have known many cases where noted criminals have been treated with consideration.

Q. Just come right to particular instances or to facts — just what you know or saw yourself — name the convict, if you can — state what his position in the prison was — what he was required to do and what especial consideration was shown him? A. I can name some convicts in strong bodily health who were put at light work — In the laundry, John Hope and Billy Kelly.

Q. John Hope, what about him? A. He was in my company turning shirts.

Q. For what offense was he convicted? A. The Manhattan Bank robbery — sentenced for twenty years.

Q. When was he confined in Sing Sing prison? A. I couldn't tell you when he came; he was here during the last part of my term.

Q. State what, if any, especial consideration has been shown John Hope while he was in the prison? A. I can't give you any reason why he was put at that light work.

Q. You don't know that any special favor was shown him? A. I consider that special favor — putting him at that light work — he is a splendid, rounded, portly man, in vigor of health and manhood.

Q. How old a man is he? A. Not over 23 or 24 years old, and weighed 175 or 180 pounds when he came here.

Q. Was there any special consideration which moved the prison authorities to put him at that work that you know of? A. No, sir.

Q. Give us an account of the work he was compelled to do? A. In my department, turning shirts, turning shirts! turning shirts!!

Q. Worked the same number of hours as the others? A. He turned in with the other convicts — he wasn't under my eye all the time — I was responsible for that man's acts when he wasn't under my eyes.

Q. You mention a convict by the name of Billy Kelly as being treated with special consideration — please state what you know about the facts of that case? A. He was in the same department on the same contract — counting shirts and passing them down — very light work — a child nine years old could have done it.

Q. How old was he? A. I couldn't tell.

Q. Do you know any thing as to his physical condition — his state of health? A. Only as to his general appearance.

Q. Do you know of any reason which induced the prison authorities to assign him to that kind of work? A. I do not.

Q. Do you know any other facts that go to show that they treated him with special consideration? A. I don't know of any other special favor that he had — light work — while other convicts did heavier work.

Q. Do you know whether or not the convicts consider the laundry the most desirable work to be placed at? A. Some parts of it and some the toughest in the department.

Q. Some parts of the laundry are very severe? A. Yes, sir — so the convicts think.

Q. Mr. Kelly employed the same number of hours as the other convicts? A. Yes he went out with the other convicts and came in with them — but in this department I don't consider that the actual work would take more than two hours.

Q. But it was necessary that some one should be there? A. Yes, sir.

Q. Do you know of any other instance of noted criminals being treated with special consideration? A. Well, yes — plenty of them, if I could think of their names.

Q. The article *Herald* refers to Joe Ooburn — do you instance that as a case where a notorious criminal meets with special favor? A. Yes, sir — he holds the position of mess-room steward, which is considered a very nice place.

Q. Was Joe Cuburn employed in that department when you were here ? A. No, sir.

Q. Do you know when he was placed there ? A. No, sir.

Q. Do you know that he is there now ? A. No, sir.

Q. Do you know whether Hope and Kelly are still in the department where they were when you left ? A. No, sir — I don't know what was done after I left.

Q. And how long a time were they there to your knowledge ? A. Well, I think Hope was there from the time, he came to the, prison until I left it.

Q. How many months ? A. I couldn't tell exactly when he came up from the Toombs — several months ?

Q. And Kelly several months also ? A. Yes, sir.

Q. As to Joe Coburn you have no knowledge yourself there as to his place in the prison — as to what department he is in ? A. No, sir ; that came to me.

Q. That is hearsay ? A. Yes, sir.

Q. Any other case ? A. Well, I don't know as I can enumerate any other case — they are so general I am bothered as to fixing on any particular one to tell the truth.

Q. We only ask you as to that which lies within your own knowledge, Mr. Campbell, we don't ask you as to hearsay testimony, unless you can give us the names of parties who can furnish the information. Can you give us the names of any who will give us information ? A. I think I can.

Q. State one ? A. He sits right here — the warden of the prison.

Q. Well do you recollect any other case where noted criminals have been treated with marked consideration ? A. No, sir.

Q. Well, then, I will pass to the next allegation that there are convicts sick and enfeebled who are treated with great severity — can you state any facts, any particular instance bearing upon that allegation ?

A. I gave you the general information that I got in the prison, like all the other keepers, as we were in the habit of communicating with each other as to what happened in the institution, as it is impossible in an institution of this kind for a keeper to know all that is going on.

Q. Then I think I will allow you to state what you have gathered from others, or rather give us the names of the officers of the prison who have given you information ; state first what you know yourself about convicts being treated with severity ? A. As to a man who was taken out of my company and paddled, I don't see him paddled but he is taken out and comes back and says he has been paddled.

Q. Can you state one instance where that was done while you were in the prison ? A. Yes, sir.

Q. What was the convict's name ? A. Michael McCormick was taken out of my company and was paddled.

Q. State the circumstances ? A. I gave the man permission to go to the carpenter shop, as I had authority to do ; on other occasions he had been sent and had been stopped by the yard keeper, Hornbeck, time and time again he was stopped and asked where he was going, and finally the man got out of patience and refused to tell him where he was going and he was sent back and Mr. Hornbeck came in and asked what his name was and that man was paddled the next morning

for not answering the question that he had answered over and over again.

Q. State what you know of it — he was taken out of your company?

A. He was left locked the next morning; they don't do that in this institution—take a man out of his company and paddle him, all the keeper knows about is—that he is ordered to leave the man locked in the morning.

Q. Can you give us the date of that transaction? A. I can't give the exact date; it was in the latter part of the summer of 1880.

Q. Is Mr. Hornbeck still in the prison? A. That I couldn't say.

Mr. BRUSH—Yes, sir.

By Mr. KEYES:

Q. From whom did you learn that that convict had been paddled on this occasion? A. I learned it from himself and I heard the other officers talking about it.

Q. What officer reported the fact to you, if you remember? A. I shall answer that that I can't remember; I don't propose to get any officer in this institution in trouble.

Q. Please state the name if you can—the name of the officer who reported the fact as to that convict being paddled? A. It is so every day, an occurrence that I remember.

Q. Did the convict tell you? A. The convict did.

Q. Did he show any physical signs of injury from the punishment he had received? A. To do that we would have had to undress him.

Committee take a recess for fifteen minutes.

*Examination of ELIHU CAMPBELL resumed:*

By Mr. KEYES:

Q. We were upon the question of certain convicts being treated with undue severity and certain names have been mentioned—name any other person, Mr. Campbell—any convict who has been treated with improper severity? A. Do you mean that I saw myself paddled?

Q. Of your own knowledge? A. I don't know; they had a special keeper to do that business; I know lots that have been, but did I see them, no.

Q. I call first simply for your own knowledge, I understand you to say that you have no personal knowledge of it? A. I didn't see them—I wasn't admitted to the place where they were paddled?

Q. I want now the names and address of any persons you can give us, who can furnish the information? A. Keeper Dixon.

Q. At present in the prison? A. Yes, sir.

Q. Any other person? A. Keeper Hornbeck.

Q. Go on? A. Keeper Makin, keeper Middleton, keeper Mulligan, keeper Connaughton and ex-contractor Burdick—he stood by when a convict was paddled and jeered at him—there are no more who were employed in this institution—there are several in the service of the contractors, citizens at that time.

Q. Any other persons that you remember? A. No, sir; that is all that I remember.



Q. Do you know where Mr. Burdick is? A. No, sir; I do not, I mean the man who was turned out of the prison.

Q. Did you yourself witness any instance of paddling? A. Not in this institution; I was never permitted to be present.

Q. Of the persons whom you have named — the persons who are likely to give information — did they communicate any information to you in reference to these matters? A. Not a word or line; in no way, shape or manner, to my knowledge; let me put that in; I have received communications, I don't know where they came from.

Q. Have you any reason to suspect or believe that any of these communications that you have mentioned were written or made by any of the persons you have named as keepers here? A. No, sir; no reason to suspect, nothing to lead me to believe such a thing.

Q. Do you know of any other evils or abuses existing in connection with this prison? A. Yes, sir; but I am restricted to answering your questions; I am not allowed to tell my own story.

Q. You may state any abuses of which you have knowledge in your own way, in connection with this institution? A. Take a man for instance that was in my company that I sent to the hospital on three different occasions, he neither got medicine nor did he get treated, that man had malarial, fever every symptom, as I had it myself. I found it impossible to get anything for that man, I had a prescription that I got from Dr. Fisher in this village, and I went and got that man medicine, I went to the drug store in the village and got medicine for him with my own money, and I told him to sit down and I would get some one to do his work for him, and I had to give the other men tobacco to get them to do that man's work until he had his chill and got over it.

Q. What is the name of that convict? A. James Clark, section A, north foundry.

Q. When was this? A. In the latter part of the summer of 1880.

Q. Do you know that the case of that convict was properly brought to the notice of the physician? A. Yes, sir; I did.

Q. Who was the physician at that time? A. Dr. Barber, I believe.

Q. Did you personally call the attention of the doctor to this convict? A. No, sir; I sent the man as we properly do, with the hospital calls in the morning.

Q. Do you know that the convict was brought before the physician of the prison? A. Certainly, it was the duty of the keeper of the hospital company to take him there; of course I couldn't leave my company to follow him and see.

Q. I simply ask you for what you know of your own knowledge? A. Certainly.

Q. For how long was this convict complaining? A. Suffering for two or three weeks, and he did actually fall down on a sand heap.

Q. What was done with him then? A. I let him stay there till he worked them off with his chills.

Q. Was he sent to the hospital? A. Sent to the hospital and sent back to go to work, he was sent there three days in succession.

Q. And this convict was under your charge for how long a time? A. He was under my charge, I took charge of that company in April, 1880, and I kept that company until I was prostrated with this malarial fever in September.



Q. We are simply inquiring as to the condition of the convicts? A. My charges are general that the system of contracts not only brings about the abuses of the convicts but it also works injustice to the keepers.

Q. I ask you certain general questions as to the existence of any other evils than those we have already considered in reference to the management of this prison, have you any further facts to state, showing the existence of any evils or abuses here? A. Well, I don't know what particular description of evils you wish to confine me to.

Q. Any thing that comes to your knowledge? A. I can state the facts that an officer gets as it comes to all the others.

Q. Give me your own personal knowledge or sources of information — persons who can give us facts within their own knowledge? A. I can give you a dozen men in this institution.

Q. You have given us some? A. I am talking of convicts now.

Q. You can give us the names of convicts who to your knowledge have been maltreated? A. Some of the convicts are out of the institution now and some are in the twenty-five gallery on the hill.

Q. Can you state any other abuses or evils existing in this prison? A. I say there are no baths in this institution, no system of cleanliness, I say proper medicines are not provided for the convicts.

Q. Can you state any particular instance under that specification, that proper medicines are not provided for the convicts? A. No, sir; I don't know that I can — washing clothes included — I run a company in this prison that didn't have a clean shirt for six weeks — every man in it.

Q. During your second term? A. Yes, sir; I speak now of my second term.

Q. During the summer of 1880? A. Yes, sir.

Q. In what department were you then? A. In the shoe shop and packing-room.

Q. And you say that at that time their shirts were not washed for six weeks? A. Wasn't *changed*; I run a company and their shirts were not changed for six weeks.

By Mr. SHELDON :

Q. What time was that? A. In the winter of 1880.

By Mr. KEYES :

Q. What means of knowledge had you? A. Because they came under my observation — I ordered them — they couldn't get them without my knowing it.

Q. That was an exceptional thing wasn't it, or did it often occur that the convicts' shirts went without being washed for six weeks? A. I couldn't say that.

Q. Did it happen at any other time? A. It was common for it to happen for two weeks or three weeks.

Q. Was any inquiry or remark made about it by or to the prison authorities? A. There was general remark throughout the prison.

Q. Was any reason assigned for such an occurrence? A. No, sir;

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the laundry was running; I had known the laundry to break down, but it would be repaired in two or three days.

Q. Did any evils result directly from the state of things you speak of — did any cases of sickness arise from it? A. I think there were.

Q. Do you know of any special evils that arose from it? A. I don't know of any special sickness of any individual. I have heard this prison ring with a general shout, the galleries ring with the cry, "lousy shirts! lousy shirts!" and when the prison was opened in the morning the whole prison would ring with that cry; I have heard in the mess-room the cry of "sour bread! sour bread!"

Q. Any thing further on this charge of uncleanness? A. No baths, no means of cleanliness.

Q. State any other abuses that you know of? A. Men were placed at branches of service injurious to their health — on the emery wheels.

Q. On what contracts? A. Perry & Co.'s contracts; in the fitting shop there is emery wheels with no modern appliances to carry off the dust, as there is in well-regulated factories outside; the men are obliged to breathe the dust, in fact I have been in that shop to do duty and I couldn't stand it and those men standing there you couldn't see them — you couldn't tell a black man from a white man.

Q. What was the result of that on the health or physical condition of the convicts employed there? A. I claim that it drove them into consumption.

Q. Can you name any of the persons so disabled or rendered diseased? A. I don't claim myself to be a physician, I claim they were driven into consumption and death in many cases; I could only judge from seeing those men every day.

Q. Do you know what the condition of their health was when they came there? A. Only by seeing them — I would see a man and I would say, "who's that fellow?" "That's a fellow that came up for five years."

Q. Had you any means of knowing that the result of their employment at the emery wheels was the cause of their subsequent sickness? A. Only from seeing them and hearing them before the doctor, hearing his questions and their answers.

Q. Did you ever hear any of the convicts complain because they were employed in that department? A. I have, sir; in many cases, asked to be taken out.

Q. Can you give us the names of any convict employed at the emery wheel whose health was impaired in consequence thereof — can you give us the name of any convict? A. Yes, sir; if I could refer to that.

Q. I don't wish you to state any thing from this paper, you may testify to any fact within your own knowledge independent of this paper? A. I will say Gentleman Joe now from my memory.

Q. State what you know about him? A. I think that man was driven into consumption and finally death.

Q. Give us the facts of that case that will enable us to say what his employment was? A. I can only say from general observation, that man was all shrunken and shriveled up when he applied to the hospital.

Q. State what his condition was when you saw him in that department? A. The first time I saw him he didn't look like a mechanic, of course he wasn't robust; he looked like a fellow that had never done any hard work, he looked like a man who had clerked it.

Q. Were you in that department when he was at work on the emery wheels? A. No, sir; I was in the stove department, section A.

Q. When did you first observe him in that department on the emery wheels? A. My company might have been passing his at the same time.

Q. You yourself were never employed in that department when he was? A. On the emery wheels? No, sir; I have been in there, I was not the keeper of his company. I was there on relief duty.

Q. Occasionally you saw him at his work? A. Yes, sir, I saw him at his work.

Q. You don't know then what his condition was when he came there to work? A. Only from general appearance.

Q. How long was he under your observation? A. I made no special observation; once in a while I would see him pass through the yard.

Q. What was his condition when you last saw him, was he still at work? A. Yes, sir; I think the last time I saw him, I think, I was doing relief duty, and he was brought out at the hospital call.

Q. What was his appearance then? A. He looked like a man who had consumption, he looked as though he was all racked to pieces.

Q. Did you notice any other convicts who were employed at the emery wheels? A. Oh, yes.

Q. Do you know of any other instance where the health of the convict seemed to suffer from that employment? A. Yes, sir; there was a little darkey, I can't recall his name.

Q. Was it always the case that convicts employed at that work suffered from that employment? A. Yes, sir.

Q. Do you know of any other cases where death resulted from that employment? A. Yes, sir, many of these cases.

Q. For all that you know they may have been subjects of pulmonary disease before they came there? A. Yes, sir; but to all appearances they were perfectly healthy.

Q. Were they invariably pulmonary diseases that resulted from that employment? A. That was their general appearance.

Q. Were not many of the men in that employment healthy men? A. Yes, sir.

Q. There were many who did not suffer disease or ill-health in that employment, were they not? A. I don't think there was a man in that employment who did not suffer from it—very few men are able to work at one of those wheels steady—even outside where they have better facilities.

Q. Any other information to give in regard to abuses or evils connected with this prison? A. It was a general complaint among the convicts that these tasks were too heavy, greater than they could perform. I claim that the keepers under the contract system are obliged to do duties that never should be called from an officer. Their attention is called away by being obliged to keep the time of those men, and to act as instructors in examining a man's work, the castings would be piled up and the keeper would have to stoop down and count them over, and to act as instructor. That was detailed upon the keeper in

this institution under Perry & Co. I claim that was in the interest of the contractors.

Q. Were you employed by the prison authorities to do that work?

A. I was, and was told where I should get a book; that was a standing rule to keep an account of the work, to keep an account of the short work.

Q. Did that interfere with your duty as keeper? A. I consider it did.

Q. In what way? A. The men at the other end of the room might have a prize fight, while I was counting stove-plates at the other end of the room.

Q. Did any trouble or disorder occur because your attention was called from them in that way? A. At one time a couple of fellows had a clinch, and one of them I had punished for it.

Q. Any other instance? A. I don't know of any other instances; I don't know what I wasn't able to detect.

Q. Do you in any other instance recollect that trouble or disorder occurred because the keeper was engaged in work for the contractor?

A. I don't know that I do.

Q. Have you any other facts that go to show that the prison is run in the interest of the contractors? A. Well, sir, night-work.

Q. Well, sir, state any facts that you have in your possession in regard to night-work? A. In the winter of 1880 I have seen every officer retained here with the exception of the shoe and laundry contracts—all the rest retained; guards and keepers to take charge of the thirty-three men who were engaged in pouring off the work that had been done in the foundry that day; those keepers were kept there in the interest of the contractors to oversee that work; after that breaking down of the machinery the keepers were kept there to supervise that work, and I have understood that the superintendent of the contractors made application that the keepers should do the work and Warden Brush said he would turn in and do it himself, but he would not ask his keepers to do it.

Q. You speak of what you saw? A. Yes, sir, in the key-room—once in the south foundry to pour off the work of from 175 to 180 men that had been done that day.

Q. Did that happen more than once? A. Not where it was directed to my knowledge; I have been out at night-work.

Q. Do you wish to be understood that it is a common thing for convicts to be kept at work on this night-work? A. No, sir.

Q. That has occurred often? A. No, sir; I have seen convicts working at the water mains at night.

Q. Do you know of any instance of convicts being employed at night-work where there was not some special exigency for it? A. No, sir, I don't charge any thing of that kind; I only charge that they were employed to do work after hours, and that the keepers are kept there to look after them in the interest of the contractors.

Q. When was that? A. In the spring of '81—February, I think it was.

Q. A little over a year ago? A. Yes, sir.

Q. Have you any other statement to make in reference to the management of the institution, being run in the interest of the contractors? A. I have some instances where I leave the contractors out.

Q. Go on? A. The doubling up of convicts.

Q. What do we understand by that? A. Putting two in one cell — cells made for one convict only.

Q. To what extent do you know of that being done? A. This prison has a capacity for twelve hundred convicts, and I think the register shows that there are fifteen hundred, and I don't know but sixteen hundred — that would leave four hundred doubled in the cell.

Q. That was the condition of things when you were in the prison, was it? A. Yes, sir.

Q. During all the time you were here? A. Yes, sir; always been doubled up since 1877. I run a company where every cell was doubled.

Q. Do you know any thing as to the present condition? A. I can only say by the calendar out there. Fifteen hundred some odd. And there is not that capacity.

Q. This prison is what, what capacity? A. Twelve hundred. Some of the cells are damp, and are not used. There was a company that was doubled up. I can tell every man that was doubled up in my company.

Q. Do you know of any facts that go to show that the health of the convicts suffered from this doubling up? A. I use my judgment, that the cell was made for one person.

Q. Do you know of any facts going to show that the convicts who were thus doubled up were in any worse state of health than the other convicts who were not doubled up? A. Only from appearances and complaints that they made, begging to be singled out. It was a continual complaint to be singled out.

Q. I ask now as to whether there was a noticeable difference in appearance, as to the health of the convicts who were doubled up, as compared with those who were not? A. I never expected to be in this position, otherwise I might have noted it closely on paper.

By Mr. O'BRIEN:

Q. Did those men look as well as those in single cells? A. I didn't think they did — they looked careworn.

By Mr. SHELDON:

Q. We noticed only one bed in a cell — were they provided with more than one bed? A. Yes, sir; one bed placed above another.

By Mr. KEYES:

Q. How are those cells ventilated? A. Well, they are ventilated through the middle partition at the back end of the cell. The hole, a space of three inches in diameter, connected with the roof. Those cells are made to be ventilated for one convict.

Q. The door of the cell does not prevent the circulation of the air from the outside? A. No, sir; I never was in a prison in my life where they had closed doors except for dungeons.

Q. Did you observe any other evils connected with this doubling up of convicts? A. Yes, sir.

Q. State what? A. I have walked on the gallery — I don't know

what gallery it was. I recollect walking on the sixth gallery, where a man said: "I want to be taken out of here, this fellow won't let me alone," and he was standing up in his cell in the corner, and I said: "What's the matter with you, you go to bed or I'll have you both punished in the morning." I cite that to show what I mean.

Q. Did you know of any instance, while you were in the prison, of similar evils existing in consequence of the doubling up system? A. Nothing except what I got from general complaint. Except that the men wanted to be singled out.

Q. This species of immorality, did you find the existence of it in other cells, except in this one instance? A. No, sir; I don't know that I did. I only charge that those men are kept here, in the interest of the contractors—in the interest of Perry & Company. Here is another—I mean the system of convict instructors, and foremen convicts being placed in position over other convicts, in the position of instructors and foremen, to save the employment of citizen instructors and foremen, especially in the laundry, and I can state the evils of it.

Q. State what evils arose in connection with that practice? A. Men as convicts try to shirk their duties; it is so in the case of convicts being placed as instructors over others, when they come across a man that is a little dumb. Convicts that are dumb and hard to learn these instructors get out of patience with them and they neglect the man and he don't get proper supervision; they are neglected and through that neglect the man's work is imperfect and half of it comes back, that is, sent back as short work; it leads to punishment; the man don't see any way out of it, he sees no escape from it, he becomes desperate, he says I am doing the best I can; it is injurious in every manner.

Q. Let me ask you, do the same evils arise under the citizen inspection or instruction that is sometimes employed? A. No, sir; I don't think it does; they formerly did have citizen instructors in the laundry when the State run it.

Q. In your administration did you ever see or know of an instance where convicts were denied proper instruction and driven to desperation as you say in consequence of not being able to do their tasks? A. Well, in consequence of being punished; yes, I have seen instances; I have seen it in the starch-room.

Q. Then such cases are not confined exclusively to the administration of convict instructors—to instances where convicts are put in charge? A. Yes, sir; I think it is. I never have seen so much of that trouble while there were citizen instructors; it is more likely to occur where there are convict instructors.

Q. Do we understand you to say that this system of convict instruction is in the interest of contractors? A. Yes, sir; I think it is for the purpose of avoiding the employment of citizens.

Q. Do I understand you to say that that work is not as well done under convict instruction as under citizen instruction? A. I think it is not; one convict don't get as much instruction as another; any little feeling would lead to neglect.

Q. Did you not find a great difference among the convicts with reference to their ability for learning? A. Yes, sir; that is the



trouble with contract work ; men are kept at employment that they are not fit to do ; the keepers are not allowed to tell what work a prisoner can do.

Q. We shall give you full opportunity to state what other facts you have relating to the evils of the contract system ? A. The evils of the management of the prison. There is a matter here, sir, of injustice to keepers—keepers who perform full keeper's duties. The law provides, I understand, a compensation of seventy-five dollars a month, and guards are to receive sixty-five dollars a month. Now, I have performed full keeper's duties and received only the pay of a guard.

Q. What was your employment when you were employed the second time ? A. I was employed as a guard.

Q. During your first term in this prison you were employed as a guard ? A. Yes, sir.

Q. Did you at the same time perform the duties of keeper ? A. Not at that time.

Q. During the second term of your service in this prison what was your duty ? A. My duty was that of a keeper.

Q. Did you also perform the duties of guard ? A. Yes, sir ; I never performed any of the duties of guard except as relief guard.

Q. And is that a rule of the prison that the keepers shall be employed as relief guard ? A. Yes, sir.

Q. When you were acting as guard and holding the position of guard you were never called upon to perform the duties of keeper ? A. Yes, sir ; that is why I complain ; I was called upon to do the full duties of keeper.

Q. I ask you during your first term in this prison, whether while you were performing the duties of guard, did you perform the duties of a keeper ? A. No, sir.

Q. During your second term of service here, I understand you to say that you were employed as keeper and performed the duties only of a relief guard ? A. That requires explanation—in the fall of '80, when I was carried out of the prison with malarial fever—when I came back to go on duty I found my name was taken off the keepers' peg board—I had never done any guard duty before that—when I returned my name was taken off the peg board and I went up for an explanation, and I was told that they thought I was dead—then, recollect, I had never been removed—the warden says “since you have been sick I have made other appointments—there are thirty-four keepers on the peg board—that was the excuse that he made—that he found himself with more keepers than he was allowed by law, and couldn't put me on again—I got no satisfaction at that time, and I made application to my friends and I was informed that I was sustained and to come down and Mr. Brush would put me on again, and I came down here and got my satisfaction then and I came back the next morning and Mr. Brush said to me, “Mr. Campbell the best thing I can do for you is to put you on as guard ;” and I said that would disgrace me—I went on duty, I was put on as a guard—recollect I never was removed and while I was acting as such guard, the excuse that he made at that time was—“you may not be strong enough—a little air around the yard may do you good”—I done relief duty only three days in the yard and I was put in the shoe shop and done full keeper's duty and only received the pay of a guard.



Q. While you were thus performing full keeper's duties, were you receiving the same pay that you would have received had you been appointed a keeper—was there any difference between the pay of a keeper and that of a guard? A. Sixty-five dollars and seventy-five dollars.

Q. Sixty-five for a guard and seventy-five for a keeper? A. Yes, sir.

Q. And you received sixty-five dollars a month? A. I did, sir; after my sickness up to the time I left the institution.

Q. Do you know of any other instances where a person appointed as guard was required to do the duty of a keeper? A. If I could look over that peg board out there I could tell you twenty.

Q. Do you recollect any instance now? A. There are so many of them.

Q. What distinction is drawn between the duties of a guard and the duties of a keeper? A. A keeper has full charge of a company.

Q. Overseeing the men while at work? A. Yes, sir; keep the record of the company.

Q. And the duties of a guard are what? A. Here the guard duties are, protecting the halls and doing relief duty around—night duty in the halls.

Q. Do I understand you that it is competent for the prison authorities to transfer a man from one service to another as required by the necessities of the prison—from one kind of service to the other? A. I don't know that the law gives them any right or whether there is any right or justice in it.

Q. You simply don't know what the rules are on that subject—while you were performing the duties of a keeper under the pay of a guard the persons in authority were simply doing what they are accustomed to do in other cases? A. I make that charge that men are deprived of ten dollars a month when they are doing the duties of keepers—it has been a general thing since this contract business has been in operation.

Q. Do you know of any other facts that are pertinent to this inquiry? A. As an article has appeared over the warden's signature or purporting to be the substance of an interview with him, stating that I was finally removed for arguing politics with the prisoners—I reply to that charge that electioneering is done in this prison.

Q. Any information going to impeach the prison authorities will be received? A. That is the charge that I make that electioneering is going on in this prison.

Q. State an instance of this? A. In the last election for charter officers in this town the ballots were placed in the key-room and the principal keeper in this institution advised the keepers and guards and others to vote that ticket.

Q. Your instance that as an abuse connected with the prison? A. Yes, sir.

Q. Do I understand you to say that there are rules of the prison prohibiting electioneering within the walls of the prison? A. I don't know of any rule.

Q. Or any law? A. No, sir; I don't know of any law.

Q. Well is there any thing else? A. A defect in the management of this institution in the interest of the contractors is that shops are

used for the employment of citizens for which as far as I have any knowledge the State receives no pay. They are used for the employment of citizens and not used as a convict shop and they have no connection with the convicts or their work. A branch of the shoe shop is delivered over to citizen employees.

Q. You have known that the shops of the prison were used for the benefit of the contractors without compensation to the State? A. I don't know as to the compensation but they used the shops to employ citizens only in them.

Q. Will you state how that operates practically. How these citizens are employed and what relation their work bears to that of the convicts? A. I formerly run a company in the shoe shop and the company was disbanded and placed here and there. It was called the truing and packing department. They abolished the company and filled it up with citizens. Whether they are there to-day or not I do not know. There were but three convicts left in that department who were considered very safe men and they done some portion of putting the shoes in the boxes. But that shop outside of that was delivered over to the contractors. For those citizens in the interest of the contractors.

Q. What kind of shop room was so occupied? A. It was termed the shoe number 4 I think then. I couldn't tell you the exact dimensions of that room.

Q. It was the shop where the finishing touches were done to the shoes? A. Yes, sir. The packing room.

Q. How many men were in the company when you were there? A. When I run; I don't know as I have got my shoe book here. I don't think I had over twenty-five in that shop.

Q. Was any reason assigned for so doing? A. Well, I heard the shoe men saying that they couldn't get convicts enough to do the work. They were doing a great deal of work and could not get enough convicts to do the work — they wanted to increase their facilities for performing the work so they put the convicts where they could do more work and put the citizens in the packing room.

Q. How many citizens were so employed? A. I think there were forty-five in that shop. In that one shop — understand me, they were not instructors or foremen; not connected with the service of the convicts, but they were employed right here from the village at different prices.

Q. Have you any thing else to state? A. I can state what I considered led to a great deal of sickness in this prison; I believe I have suffered from it myself; I think there is malaria in the soil of this land; I will explain it in this way; the buckets of the convicts that are dumped in the morning; in the morning they dump them; they are placed in line between the laundry and shoe shop; those buckets after they are placed there, the waiters rinse them, the rinsings are thrown out on the soil; that has been going on for years and years; in the summer time I have had to hold my nose in crossing there, those rinsings smell so.

Mr. BRUSH — I will state that that is all changed, we have a dumping ground now.

WITNESS — That was going on when I was here.

By Mr. KEYES:

Q. You have no knowledge of its present existence? A. No, sir.

Mr. O'BRIEN — I know something in regard to that. They have a very handsome dock with a culvert in it.

By Mr. KEYES:

Q. Proceed Mr. Campbell if you have any thing more to state? A. I don't know as I have any thing more to state — I hold a recommendation from two wardens under whom I served before I came here — before I served under Mr. Brush.

Q. I will ask you particularly in reference to each of the convicts named in this *Herald* article as being subjected to treatment of undue severity — Take the case of Pulcato. A. Yes, I know of that as I know of other matters — I saw the hose stretched and I saw him carried in the prison afterward — I had the iron bar made to rake him out of the cell — with a big hook on it — and I saw the hose stretched.

Q. In the case of Pulcato, did you see that yourself? A. No, sir, no more than I have stated.

Q. Take each of the cases separately — state what you know of that case of Pulcato. A. Just the same as the general information I received as to the paddling; I wasn't there; I didn't hold the man; I saw the man when he was brought out.

Q. Do you know any thing of the case of George Wood? A. Only from hearsay — I never saw a man paddled in this institution.

Q. Take the case of Frank Cunningham? A. No, sir.

Q. William B. Wells? A. No, sir.

Q. George Henry? A. The same answer will apply to all.

Q. Cornelius Lynch? A. I saw that man myself; I knew him outside of the prison; I had seen him outside of the prison.

Q. Did you see him when he was killed? A. I saw him when he was brought into the hospital.

Q. Did you see the accident? A. No, sir.

Q. I understand you to make the same reply as to all of these cases that they didn't fall within your own personal knowledge? A. I saw Lynch there.

Q. You didn't see him near the shaft? A. No, sir.

Q. Did you keep while in the prison as keeper or guard a memorandum of the events that were occurring here? A. Oh, yes, I put many little notes on paper of what I saw; we had no facilities for keeping memorandums in this prison as we had in other prisons.

Q. When did you first conceive the idea of publishing these statements? A. The day I left this prison; I said it in this office or the next office; I was asked what I was going to do and I said I was going to do what I could when the next election come around to make such exposures as to change this contract system.

Q. Did you notice any abuses of a more serious character during your second term of service than those that existed during your first term? A. Yes, sir.

Q. In what respect? A. They are general; during my first term citizen instructors were employed in the laundry; during my second

term they were abolished and those duties were entailed upon the keepers ; as the contracts progressed they were made stronger.

By Mr. SHELDON :

Q. That had reference to the keepers particularly ? A. In every department.

Mr. KEYES — Mr. Brush, have you any questions that you would like to ask Mr. Campbell.

Mr. BRUSH — I would only like to ask him one or two questions.

BRUSH thereupon examined the witness as follows :

Q. You are a very profane man — you swear a good deal, don't you ? A. Seldom, sir.

Q. You have done some swearing at the convicts while you were here ? A. I don't recollect doing any swearing at the convicts ; I never had much trouble with them.

Q. You have done pretty considerable lot of swearing, haven't you ? A. I think not, sir.

Q. Say yes or no ? A. I certainly deny it, *in toto*.

Q. You came back to Sing Sing and was at the depot when you left here opening wine ? A. Some time afterward I was here.

Q. At that time you produced a revolver and said you would come up here to kill somebody ? A. That was outside of prison matters entirely.

Q. Did you produce a revolver ? A. Yes, sir ; I said there were people here who would like to do me up, but I had something here to protect me, but that was purely a social matter and had had no connection whatever with the prison.

Q. By what name were you known in the prison here by the convicts ? A. I don't know, except by my own.

Q. Don't you know that the prisoners denominated you as the Tammany crank ? A. I never heard of that ; they may have said sometimes here comes Tammany, or something like that.

Q. What other names were you known by among the prisoners — Aleck ? A. I am known by that by everybody ; the convicts never addressed me by that name ; the convicts were very particular about that.

Q. You spoke of John Hope and William Kelly as being placed in easy positions in the laundry — who places them there ? A. I don't know, sir.

Q. Who places them on the contract ? A. I don't know.

Q. The principal keeper places them there, doesn't he ? A. I suppose so.

Q. Who then designates the work that they shall do—the particular work — who places them at the particular work in the starch-room, or ironing-room ? A. If I understand that the keeper places a man in a particular shop.

Q. You spoke of Michael McCormick being punished in your company — was he paddled ? A. Everybody said he was paddled.

Q. Was he paddled, do you know that he was ? A. If I didn't see him I couldn't swear that he was paddled.

Q. Do you know that he was paddled ? A. To the best of my

knowledge and belief he was ; I never saw a man paddled here in, my life.

Q. You say Gentleman Joe was punished here? A. Yes, sir.

Q. Do you know that? A. I didn't see him; I wasn't permitted to see convicts paddled.

Q. What work did he do on the emery wheel? A. He ground down small stuff.

Q. Little things about as big as your thumb, didn't he? A. Yes, sir — so small he ground the end of his fingers off.

Q. He had only the little knobs to grind? A. They were the hardest of all to grind.

Q. Who did you owe your position to? A. My position in the prison?

Q. Yes? A. Who did I owe it to?

Q. Yes? A. At different times my influence came from different sources; I was appointed here through Mr. Robert H. Anderson.

Q. Who was you kept here by; was you kept here for your influence or qualifications; do you know what you was kept here for? A. I was kept here as an efficient officer; I was recommended to you as an efficient officer; I was recommended to you; You said, "That's all right, all I want to know is that you are the person."

Q. When you was sick and your name was taken from the roll in 1880 you came back here and I appointed you as a guard? A. Yes.

Q. I told you that you were feeble? A. Yes.

Q. Nervous and irritable and unfit to work, didn't I tell you that? A. No, sir.

Q. Didn't you cry then and say: "For God's sake give me work?" A. No, sir.

Q. Didn't I appoint you then simply out of charity? A. No, sir; Mr. Pilsbury came up here to the depot and I was reinstated.

Q. I kept you here for three months for charity? A. You told me your roll was so full you couldn't keep me here.

Q. Did you ever tell two citizens, one a citizen and one an officer, in the presence of half-a-dozen convicts, that if you was a convict that you would save your kerosene oil until you got enough to set the prison on fire? A. No, sir; look at me! no, sir! I never made any such expression in my life.

*Hiram Barber, sworn and examined, testified as follows:*

By Mr. KEYES :

Q. Doctor, were you present during the examination of Mr. Campbell? A. A portion of the time only.

Q. You were the physician in charge of Sing Sing prison, were you? A. Yes, sir.

Q. How long have you occupied that position? A. I came here, sir, about the middle of May, 1880; I think I commenced my duties here on the 17th of May, 1880.

Q. And have been here ever since? A. Yes, sir.

Q. What are your duties here? A. My duties here as I understand them are to attend to the health of the prisoners — of the convicts; to have a general supervision of all the sanitary arrangements about

the prison ; and to see that they are properly fed and that the food is of a proper character ; that is part of my duties to see that this is done.

Q. Are you in attendance every day at the prison ? A. Yes, sir ; every day ; my business hours here are from six in the morning until it closes at night ; I am here also every night in the week except Saturday night.

Mr. KEYES — Mr. Brush, I will have to ask you to give me the names of those convicts in regard to whom the cruelties are alleged.

Mr. BRUSH — They are all dead — he was very careful to take dead men — except Joe Coburn.

Dr. BARBER — As there was one point in his testimony, the refusal to give medicine to a prisoner named Clark.

By Mr. KEYES :

Q. What have you to state on that point ? A. I have no recollection of any such case ; I am not in the habit of refusing medicine to sick men ; I never did while I was in the prison ; I have furnished it to a great many who were not sick.

Q. This case of Clark was alleged to have occurred in 1880 ? A. Yes ; I have no recollection of any such case.

Q. I will call your attention to the next charge—that prisoners were employed at the emery wheels—take the case of Gentleman Joe ? A. What do you wish to know about Gentleman Joe ?

Q. As to your knowledge of the case and treatment of the case ? A. I have written out a statement in regard to that case ; will you allow me to read it ?

Q. If you refer to it merely for the purpose of refreshing your memory, you may ? A. Eugene Fairfax Williamson.

Q. Do you take this statement from your records ? A. Yes, aged 39, after being received in the prison was put to work in the polishing shop ; the work was not hard ; he was easily annoyed and excitable at first, but I encouraged him and he soon settled down quietly and did his work well and easily ; he often said, " Doctor I will never forget while I live your good advice and encouragement ; you have always treated me like a gentleman ; you have been better to me than I have to myself ; " he was taken out of the polishing shop, not on account of his lungs ; he was troubled with indigestion, it seemed to render him gloomy and despondent ; I watched him closely and prescribed for him then ; I repeatedly advised him to come into the hospital ; he uniformly refused and said he preferred to lie on the sofa in the chaplain's office ; on the morning of December 22, he was suddenly attacked with an overflow of bile attended with retching and vomiting ; I took him immediately to the hospital and every known means was used to relieve him without avail ; he had no disease of the lungs whatever, his disease was a disease of the liver and gastric trouble.

Q. Did you connect his physical condition in any way with his employment ? A. Not in the least, sir.

Q. He was employed at the emery wheel ? A. He was employed at the polishing shop for a while, sir.

Q. Can you recall any other case of the treatment of convicts who were employed in that shop ? A. In the polishing shop ?



Q. Yes? A. I know a great many who were employed there—you mean to recall any case where disease resulted from their employment there?

Q. Yes? A. No, sir; I cannot.

Q. Have you given special attention to the condition of the convicts employed there as to their health? A. No, sir; not especial attention.

Mr. BRUSH—Part of the time that shop is shut up and citizens are employed there a good part of the time.

By Mr. KEYES:

Q. What in your judgment is the effect of the labor performed in that shop upon the health of the convicts—did you regard it prejudicial to their health? A. Not especially so.

Q. Any more than any labor in other shops? A. No more than in shops where there is a certain amount of dust, as there is in all shops except the laundry—there is more or less dust in the air.

Q. Please state what your practice is as to placing men when they come here—placing them in the different shops? A. When the men are first received in the prison, I give them a physical examination, both externally and internally; if I found a man with weak lungs and weak chest or diseased lungs or a tendency that way I would recommend him to be put into a place as would not prejudice his disease, and if I found such a man in the polishing shop I would have him taken out; there is not a week passes but I have a dozen men changed and put in other places, of course among 1,500 or 1,600 men it would not be surprising if a man in the course of a year having over three thousand cases for treatment might get a little muddled and make a mistake.

Q. Our attention has been called to the case of Coburn, a notorious convict, who has received special consideration—do you know any thing of Mr. Coburn? A. As to his physical condition.

Q. Yes? A. His physical condition is good, except a tendency to rheumatism.

Q. Do you know what occupation he is employed in? A. Yes, sir; he is steward in the mess-room.

Q. Do you consider that a laborious position? A. It is not so laborious as responsible.

Q. You consider it a responsible position? A. Yes, sir; I consider the mess-room one of the most important positions in regard to the sanitary condition of the prison that we have.

Q. Do you know why Mr. Coburn was placed there? A. No, sir, I do not, I had no agency in the matter at all.

Q. As to the doubling up of prisoners, and the effect of it upon their health, what have you to say? A. Well, on general principles I suppose it would be better to have but one man in a cell; that is, taking all the surroundings of the case; but I find my experience has been that men who are doubled up, in their physical condition do not suffer in proportion as one might readily suppose. Their physical condition bears a very good comparison to those who have single cells.

Q. Have you discovered any great difference, or any marked difference as to their physical condition with those who have not? A. No,



sir, I have not; two or three men come to me and ask me to single them, which I almost invariably do. On the other hand men come to me every week and ask to be doubled which I very seldom allow; not because their health would suffer, but on general principles that one man in a cell is better than two.

Q. Have you discovered any particular species of immorality in regard to doubling up? A. I have heard occasionally of beastly practices; I know of none to my own knowledge.

Q. Have you had occasion to know whether the health of any of the prisoners has been impaired by any species of immorality, or by its practice in the cells? A. Yes, sir, in one or two instances I have been obliged to separate the men upon the complaint of one or the other for that reason.

Q. Is it also a fact that prisoners who are not doubled up suffer from certain forms of vice? A. Oh, yes, that is very common here.

Q. You do not attribute that species of physical debility exclusively to the doubling up principle? A. No, sir; every form of self-abuse is carried on just as much as that form.

Session adjourned subject to the further order of the Chair.

*March 15, 1882.*

At a meeting of said committee on March 15, 1882, at their committee room in the Capitol at Albany:

Present—Hon. JOHN O'BRIEN, Chairman; Hon. EDWIN R. KEYES, Hon. JOHN RAINES, Hon. ELBERT O. FARRAR, Hon. BENJAMIN D. CLAPP and Hon. J. R. SHELDON of committee.

*Charles Gilbert*, called as a witness, being duly sworn by Mr. O'BRIEN, and examined, testified as follows:

By Mr. KEYES.

Q. Where do you reside? A. Sing Sing.

Q. You are connected with the prison? A. Yes, sir,

Q. In what capacity? A. Yardmaster and engineer.

Q. How long have you been so employed? A. About thirteen years, not, however, in that capacity; I have been yardmaster and engineer eight years.

Q. Prior to that what were you? A. Shopkeeper.

Q. Are you acquainted with Mr. Elihu R. Campbell? A. Yes, sir.

Q. Formerly keeper in Sing Sing prison. A. Yes, sir.

Q. Were you present at the investigation last Saturday at Sing Sing prison, and did you hear Mr. Campbell's testimony at that time? A. I did not.

Mr. KEYES — Mr. Chairman, I don't see but I shall be compelled to pursue general inquiries with this witness, with reference to Mr. Campbell's testimony.

Mr. O'BRIEN — Just use your own judgment about that.

Mr. RAINES — Did Mr. Campbell state any instances that this gentleman would know about?

Mr. KEYES — No, I don't know that he did.

Mr. BRUSH— Perhaps he can tell something in regard to the sanitary arrangement of the prison, which Mr. Campbell said was bad, as to the improvements that have been made in that respect, perhaps that would be pertinent to this issue.

Mr. KEYES — I will take up first, Mr. Chairman, the question of the neglect of the moral interests of the convicts, as alleged by Mr. Campbell.

Q. Have you any knowledge, Mr. Hilbert, as to the religious privileges given to the prisoners in Sing Sing prison? A. Well, sir, a general knowledge.

Q. What is the order of the prison in regard to the religious instruction of the prisoners? A. They hold chapel services in the morning, right after breakfast Sunday morning, except in one or two months, in the hot part of the year it is dispensed with, otherwise they are held every Sunday morning.

Q. Are all the convicts required to attend upon those chapel services? A. All of them that can be accommodated in the chapel.

Q. How many can be accommodated in the chapel? A. I should suppose in the neighborhood of twelve hundred.

Q. Do they alternate in their attendance upon those services, some going one Sunday and others going another Sunday? A. I couldn't say as to that:

Q. Do you know whether there is a certain number of convicts who do not attend upon religious services at all? A. No, sir, I do not.

Q. Do you know that any are not allowed to attend upon chapel services? A. No, sir, I do not.

Q. Have you any knowledge of the convicts being required to do Sunday work? A. What, their regular business?

Q. Well, at any business? A. No, sir; except upon repairs that have to be done on Sundays, as they could not be done very well on other days.

Q. State an occasion where they have been required to do such work? A. Such as repairing boilers or machinery that couldn't be well done on week days, it is repairs of that kind, such as removing the floor, something of that sort.

Q. Do you know to what extent that is done? A. Well, it is not a very general thing, we don't have Sunday work every Sunday, may be once a month, and may be once in two months, hardly oftener than that.

Q. Is it often the case that they are employed all day Sunday on such work? A. No, sir.

Q. Have you had opportunity to know the feeling of the convicts in reference to this Sunday work? A. Yes, sir.

Q. State what you know in reference to it? A. I know the convicts, as a general rule, are anxious to do this Sunday work. I know of men who have come and asked me to do Sunday work; they had rather be let out to work on Sunday than remain in their cells.

Q. Did you ever know of any convicts objecting to being put at this work on Sunday? A. No, sir.

Q. Have you any knowledge of convicts being put at regular convict work on Sunday? A. No, sir; never.

Q. Your position in the prison is such that you would be likely to know of such a case if it occurred, isn't it? A. I should naturally have known it.

Q. It has been alleged that certain notorious criminals were treated with special consideration in the prison; have you any knowledge of such a state of facts? A. No, sir, I have not.

By Mr. CLAPP:

Q. Any specific instances of that kind?

By Mr. KEYES:

Q. Hope, Kelly and Coburn were mentioned. Do you know any thing of the case of Hope? A. I know there is such a man on the laundry contract.

Q. Do you know for what reason he is or might be called a notorious criminal? A. Simply from reading his trial and conviction.

Q. What distinguishes his case beyond that of convicts generally? A. Nothing that I can determine.

Q. What is his work in the prison? A. That I couldn't say, sir; I know he is employed on the laundry contract.

Q. Have you any knowledge of any special favor being shown to him? A. No, sir, I do not.

Q. Do you see him often? A. Very seldom.

Q. Have you any knowledge of the convict Coburn? A. I know there is such a man there.

Q. What is his position there? A. He is in the mess-room.

Q. What are his duties? A. I think he is a sort of a steward, called the mess-room steward.

Q. Is it a position that requires any special ability or judgment? A. I think it is considered a rather responsible position.

Q. Do you know what hours he is employed there? A. All day, while the rest of the convicts are.

Q. From what time in the morning till what time at night? A. From unlocking time in the morning until locking up time at night.

Q. Do you know of any special favor being shown to him? A. I do not.

Q. Do you know whether it is generally considered in the prison that that is a desirable position or not? A. Well, I don't know as it can be considered any more desirable a position than any other position in the mess-room.

Q. Do you know any thing of the case of William Kelly? A. I do not; not of any individual; I know several Kellys there.

Q. He is in the laundry department? A. No, sir; I have no knowledge of him.

Q. Do you know upon what principle or by what regulation convicts are assigned to certain kinds of work in Sing Sing prison? A. Not of my own knowledge; it is something outside of my knowledge.

Q. Have you any knowledge, Mr. Hilbert, of convicts who are sick or enfeebled being treated with great severity? A. No, sir, I never knew of an instance.

Q. "Gentlemen Joe." Do you know any thing of the case of "Gentlemen Joe?" A. Nothing more than that I know that there was a man called that in the prison; I don't know any of the circumstances.

Q. Did you see him often during his confinement there? A. Very seldom; I don't know that I ever saw him, to really know who he was.

Q. It has been stated that during a certain period—six weeks—during the summer of 1880, many of the convicts went without having their clothing washed. Do you know any thing of that fact? A. I do not, sir.

Q. That is a matter over which you would have no supervision? A. No, sir; don't come under my ———; no knowledge of it.

Q. You are aware, are you, Mr. Hilbert, that the labor of the convicts in Sing Sing prison is hired by certain contractors? A. Yes, sir, a certain portion of it.

Q. What are the contracts on which the convicts are now employed? A. Molding stoves, the laundry and the shoe-shop.

Q. How many are employed on the stove contract? A. I think somewheres in the neighborhood of nine hundred.

Q. How many upon shoes? A. I think somewheres between two and three hundred.

Q. How many in the laundry? A. I think somewheres between two and three hundred. I can't speak definitely of those. It is simply my observation only.

Mr. KEYES — I don't like to pursue this line of inquiry to waste time, unless this witness is shown to have a knowledge of some of the evils complained of.

Q. Does your position there enable you to know and understand the nature and working of this contract system? A. To a certain extent.

Q. I will ask you, generally, have you observed, during your term of service in the prison, any thing that you consider evils, resulting from this contract system? A. No, sir; as a matter of opinion I should say not.

Q. You were there before the contract system was established, were you not? A. No, sir, I was not. When I first went to the prison there was contracts existing there the same as they are now; in a different line of business, however.

Q. There were how many contracts at that time, when you first went to the prison? A. Three.

Q. What were they? A. Cabinet-making, shoemaking, and harness hardware and the buckle-shop.

Q. Have you observed any difference between the working of what is now known as the contract system and the system in vogue in the prison when you went in the service. A. No, sir; it is about the same contract system.

Q. Have you noticed any difference in this respect, that the convicts are worked with greater severity than they were formerly? A. No, sir; I should say not; I should say that there is a difference in the discipline, than there was at that time. As to its being more laborious, I should say it is not.

Q. The hours of work are the same? A. I think perhaps not as long now as they were.

Q. What are the hours of work now? A. It is according to the season of the year. I really don't know what the hours are in the contract shops. At that time, when I first went there, the hours used to be from the opening to the closing of the prison, except half an hour for dinner at noon, and for breakfast in the morning.

Q. Are employees or agents of the contractors employed in the prison to oversee and direct the work of the convicts? A. Citizens?

Q. Citizens. A. Yes, sir.

Q. To what extent have they control over the convicts as to regulating the amount of their labor or directing their punishment? A. As I understand it, they have no control over them.

Q. There is a keeper always in charge of every gang of laborers? A. Always, sir.

Q. And the prison discipline is exercised through the keepers and other officers of the prison? A. Entirely so.

Q. Have the contractors practically, as a matter of fact, any thing to do with the discipline of the prison. A. No, sir.

Q. Have you any knowledge of their using influence or attempting to interfere in any way with the management or discipline of the prison? A. No, sir, I have not.

Q. Have you any knowledge of the amount or degree of punishment inflicted in the prison? A. Yes, sir; a general knowledge.

Q. Does it take place under your observation? A. No, sir, it does not.

Q. Never? A. No, sir.

Q. You have never seen a case of punishment? A. Yes, I have seen a case of punishment.

Q. Then punishment does take place under your observation? A. I have seen punishment inflicted.

Q. Have you witnessed the punishment of paddling? A. Yes, sir, I have.

Q. Will you describe it to the committee? A. Well, the prisoner is usually handcuffed, and the handcuffs hooked over a hook in the wall, and he is spanked with a leather paddle.

Q. With a leather paddle? A. Yes, sir.

Q. Give us an idea of the size and weight of the paddle? A. Well, I could draw it.

Mr. CLAPP—It is a leather strap? A. Yes.

by Mr. KEYES :

Q. About how long is it? A. The flat part is about that width. (Indicating the width.)

Q. About four inches wide? A. Yes, sir; and the flat part is about a foot long, and the handle about sixteen inches.

Q. How thick is the leather? A. About the ordinary thickness of sole leather.

Q. Of sole leather? A. Yes, sir.

Q. How long is the handle? A. I should think about a foot or sixteen inches; that is simply a continuation of the leather.

Q. Who are present during the infliction of the punishment? Please state whether the flat part of the paddle is punctured with holes? A. No, sir; I never saw any to be used in that way.

Q. Please state who are present ordinarily on the infliction of such punishment? A. The principal keeper.

Q. Is he always present? A. He always is whenever I have seen it; I suppose he always is in the room, and also the doctor.

Q. You have been present? A. Yes, sir.

Q. What was the occasion of your being present? A. I simply happened to be there in the keeper's office; I never went there out of curiosity; I simply happened to be there.

Q. And was the punishment in such cases generally inflicted on your complaint? A. No, sir; no man has ever been paddled on my complaint.

Q. Is there a limit as to the number of strokes allowed to be inflicted? A. That I couldn't say.

Q. Practically how many strokes are given as far as you know? A. I have seen one upwards to eight.

Q. Not more than eight? A. I couldn't say of my own knowledge; I don't know that I ever saw punishment where I thought it exceeded eight.

Q. What is the appearance of the person of the convict after the strokes of the paddle? A. I don't know that I ever paid much attention to that.

Q. What are the immediate results? A. Well it appears to be a rather painful infliction.

Q. Is blood often drawn? A. I have never seen blood drawn.

Q. Is the flesh discolored? A. I never have seen that; I should think possibly it might be.

Q. Did you ever see the convict several hours or two or three days after the infliction of the punishment? A. No, sir; I don't know that I ever did.

Q. Only during the immediate time of the infliction? A. Yes, sir.

Q. What is the office of the surgeon or physician on such occasions? A. As I understand it he is there to see that the punishment is not too severe.

Q. Does it cease upon his direction? A. It would if he should give any direction for it to cease; I have never seen a man under punishment where the doctor thought it necessary to stop the punishment.

Q. Do I understand you to say that the blows are inflicted by the principal keeper himself? A. I have seen the principal keeper himself inflict the blows.

Q. Is it customary for him so to do? A. I never saw that punishment inflicted, excepting the principal keeper did it.

Q. Is it customary for the convict to cry out as though in pain, during such punishment? A. Usually; yes, sir.

Q. To what extent do such demonstrations occur? A. It is rather owing to who the convict is. Some will stand half a dozen blows without crying out, and I have seen others when the first blow is given cry out as though their life depended upon it, and not very serious blows either.

Mr. O'BRIEN — It depends upon how much game they have got? A. Yes, sir.



By Mr. KEYES:

Q. The amount of outcry don't depend upon the number of strokes given them? A. No, sir; nor the severity of the punishment.

Q. The flesh is naked in this punishment? A. Usually; I have seen it applied with the clothes on, in the ordinary way.

Q. Are there any other kinds of punishment employed in the prison. A. The dark cell—locking up in the dark cell.

Q. I mean the infliction of physical pain? A. No, sir.

Q. Have you seen any other kind of punishment employed in the prison, excepting paddling? A. Not within the last six years.

Q. Would you be likely to know if there were other kinds of physical punishment inflicted? A. Yes, sir, I suppose I should.

Q. Please state what the nature of the punishment is in the dark cell? A. Well, the cells can hardly be called a dark cell. They are the same as the ordinary cell except that they are larger. They are much larger. The same as the other cells—they are light—but they are simply isolated—the dark cells used to be in another part of the prison, and the door was covered with iron and there was no light in the cell; but the dark cells at present are in what is called the jail—it used to be, and is, the garden row—in which there are ten cells, the same as the ordinary cell, except that they are somewhat larger—they have a water-closet in them and they have water in them. They are really not what would be termed a dark cell.

Q. Is confinement in a dark cell considered a lighter degree of punishment than paddling? A. Yes; I should think so.

Q. And administered for offenses of less degree than those punished by paddling? A. Yes, sir; usually.

Q. About how long a time are convicts confined in the dark cell? A. That I have no personal knowledge of.

Q. Is there any other privation connected with that punishment excepting the mere solitary confinement? A. I think their rations are shortened.

Q. But the confinement is solitary, is it? A. It is solitary so far that —

Q. That there is only one in a cell? A. There is only one in a cell, but there are ten cells together.

Q. Fronting each other? A. No; there is a square block of them—five in each row on each side.

Q. No connection between them? A. No, sir; no connection between them.

Q. They are put upon short rations? A. That I couldn't say of my own personal knowledge, but that is my impression.

Q. And aside from paddling and the dark cells you know of no other forms of punishment inflicted in the prison? A. I know of no others inflicted there, and I don't think there is any.

Q. Are you familiar with the condition of things in the kitchen and dining-room of the prison? A. To a certain extent; yes, sir.

Q. Have you a knowledge of the quantity and kind of food served to the prisoners? A. Only generally—I see it every day.

Q. What is the ordinary food provided for the prisoners? A. Meat, bread, potatoes, turnips, onions and I have seen carrots.



Q. Was there regular routine observed in giving out these different articles of diet? A. So I understand.

Q. Certain articles on one day and others on other days, alternating from one to another? A. I think there is a change every day; I am not familiar enough with it to say.

Q. Have you heard any complaints in the prison from any source as to the insufficiency or bad quality of the food supplied? Within the last two years? A. No, sir; within the last five years I haven't heard any complaint as to the food there; I perhaps might mention what would be called a luxury; I have seen apples and cheese served out as regular rations.

Q. I suppose in Sing Sing prison as in all other well-regulated prisons and families they may have a bad baking of bread? A. That may be; that don't come under my observation; I don't remember a time, but I suppose it does happen sometimes.

Q. Were you present in the dining-room last Saturday? A. Yes, sir; for a few minutes.

Q. While the tables were laid? A. Yes, sir.

Q. Was the fare then a fair sample of the fare usually supplied? A. I think it was the regular fare for that day, for Saturday.

Q. And what was the fare on that day — Saturday? A. That I couldn't say.

Q. Then what knowledge have you of the fare that day? A. What I saw of it?

Q. You didn't see it on the table? A. No, sir.

Q. Merely saw it in bulk? A. Yes, sir; I was simply in the room. I am not speaking of the mess-room of my own personal knowledge, my duties are not connected with it.

Q. You pass through there occasionally? A. Yes, sir; every day nearly.

Q. In your opinion, Mr. Hilbert, is the punishment of paddling necessary to the maintenance of the proper discipline of the prison; I ask it as a matter of opinion on your part? A. As a matter of personal opinion I should say, yes, sir.

Q. In your opinion might there not be some milder, less painful form of punishment that would accomplish the purpose? A. No, sir; I don't know of anything that would take its place as humane as that is.

Q. Did you ever know of any permanent physical injury resulting to the convicts from paddling? A. No, sir.

Q. As to the sanitary arrangements of the prison, can you give me any information? A. As regards what part?

Q. The disposition that is made of waste matter? A. Drainage?

Q. Drainage, etc.? A. Within the last two years we have perfected a very good arrangement of sewerage with tiles from four to six inches in diameter; there are three of what might be determined the main sewers; taking the hall and warden's house, there is a twelve-inch tile with six and four-inch connection with the shops and other parts of the prison; there is a tile going from the hospital and offices and shops down through the south end of the yard: at the upper end of the yard there is a ten-inch tile; the drainage is as nearly as perfect as could be of the kind; the fall is not very great but enough to take every thing to the river.

Q. How is the refuse matter taken from the cells ? A. The convicts take buckets with them to their cells and in the morning those buckets are taken to the dumping ground through which the water runs and takes it immediately to the river ; the buckets are rinsed by the officer for that purpose and taken in at night by the convicts and they go through the same process the next morning.

Q. Do you know what means are taken to properly ventilate the cells or corridors of the prison ? A. Yes, sir ; there is a system of ventilation between the cells running to the roof which you might term flues, and each cell is connected with those flues by a six-inch hole at the back of the cell ; the doors are grated about half-way ; there is a space of about two inches between the gratings ; the corridors of the cells are ventilated by a window opposite each door ; there are also ventilators in the hall outside, those are eight inches wide and run the entire length of the hall, those are covered by a wooden cover and are kept opened or closed according to the state of the weather.

Q. Are any means taken to produce a draft through these ventilators ? A. Nothing more than the natural draft.

Q. Have you taken occasion to see whether there is a natural draft through those ventilators ? A. Yes, sir.

Q. What was the result of your investigation ? A. That there is a draft through them ; I have noticed that the convicts have set paper afire in those ventilators, and it has created quite an excitement — the convicts sometimes will drop papers in those holes and they accumulate there.

Q. And it is carried up through the ventilator ? A. Sometimes it will accumulate there, and sometimes there will be quite a quantity of it, and I have known it to take fire and it would draw almost the same as a chimney.

Q. Were there occasions on which you observed the draft in the ventilators — occasions when paper was not burning in the ventilators ? A. Yes, sir ; I have noticed the natural draft in them, I have tried it myself.

Q. Are the windows in front of the cells kept open ? A. Not always — according, it is owing to the state of the weather.

Q. Have you ever been in the corridors of the prison at night after the prisoners were shut in their cells ? A. Yes, sir ; very often.

Q. How late ? A. All times at night.

Q. What is the condition of the atmosphere in the prison, say after 12 o'clock at night in the corridors ? A. In some states of the atmosphere I have known it to be pretty bad — take a muggy day — I have known the air to be there very bad, quite disagreeable ; not more than in any other building.

Q. At such times were the outside windows open ? A. If the state of the weather permitted.

Q. But even with the outside windows open the air is pretty bad at night ? A. I have known it to be pretty bad under some circumstances on a hot muggy night.

Q. Are the prisoners allowed facilities for bathing, in their cells or elsewhere, except in the shops they are allowed certain ? A. I can't say that there is any particular provisions for bathing — I don't think there is.

Q. Are they at liberty to take water to their cells for bathing? A. No, sir, I think not; I have not known it to be done.

Q. There is no public bath in connection with the prison for the use of the prisoners? A. No, sir.

Q. Is there any place in the prison yard, or within the walls of the prison, where they can get a free wash? A. Not at present.

Q. Was there formerly? A. There has been; there have been two or three bath-rooms in the building there since I have been there. I have known prisoners to be taken out and bathed in the salt water at the end of the yard, during the holidays.

Q. There is no regular provision for prisoners to bathe? A. No, sir; not that I know of.

Mr. KEYES — Well, gentlemen, I don't desire to pursue this line of investigation further.

Mr. RAINES — I would like to ask the witness one or two questions:

Q. Any malaria arising from defective drainage would be apt to affect the employees as well as the prisoners? A. I should think so.

Q. So they would all suffer together? A. My experience is that there are more afflicted outside in the village than in the prison.

Q. You don't mean to say that the prisoners haven't ample facilities for washing themselves; they have their basins and plenty of water? A. Yes, sir; they have their water kits, and are allowed to wash in the shops and in their cells. By baths I suppose he meant bathing.

Q. It has been no part of your duties to inflict punishment on prisoners? A. No, sir; not of late years.

Q. Has it been at any time? A. Yes, sir; I have punished men under the old system, when I was shop-keeper, such as locking them up in the dark cell.

Q. It has been a number of years I understand you? A. About thirteen years.

Q. What forms of punishment have you seen inflicted in the last two years? A. Nothing but locking up, and the use of the paddle.

Q. You have seen no other, within the last two years? A. No, sir.

Q. By whom has the paddle been used? A. By the principal keeper.

Q. Has any other keeper the right to use it? A. No, sir; not as I understand it; I have never seen any other officer use it.

Q. You understand that when it is so used, it is used in the presence of the physician? A. Yes, sir.

Q. Invariably when you have seen it used? A. Yes, sir.

Q. Has there ever come under your observation attacks or maltreatment of prisoners by keepers — have you seen any thing of that kind? A. No, sir; nothing that was uncalled for.

Q. Have you seen any thing of that kind, whether called for or not, any specific instance that you remember? A. I don't know as I can tell of any particular instance, still there have come some under my notice, when prisoners have resisted and the officers have resisted. I don't know as I could state any particular instance.

Q. You mean to say that you have seen instances where a convict has refused to leave a shop — so that he had to be moved by force? A. Yes, sir.

Q. Any other cases of violence that you recall? A. No, sir; except under those circumstances.

By Mr. KEYES:

Q. You understood me as meaning the immersion of the body in water, when I spoke of baths? A. Yes, sir; that was what I supposed. I would say that the cells are all furnished with a wash kit — and he also has the facilities in the shop for washing his hands and face, and I have known instances where some of them have washed their whole bodies — they have a kit and wash every day — and in the shops they have facilities for washing.

By Mr. FARRAR:

Q. Did you ever know of a prisoner fainting while he was being paddled? A. No, sir; I cannot say that I ever did.

Q. This position of the mess-room, is that considered a desirable place, so far as the work is light or easy? A. I don't know now as I can specify in regard to it — I should think there were other positions easier than that.

By Mr. RAINES:

Q. Is it not a part of the duty of the keeper to see that the prisoners in his company are personally clean? A. It is supposed to be.

Q. It is a part of the rules as laid down in the printed rules, that he is furnished with? A. I don't know about that.

Q. Is this one of the rules, "They shall require from all the convicts the greatest cleanliness in their clothes and appointment?" A. Yes, sir; I think it is.

Q. Then would you say, that if a keeper had a convict in his company that was dirty, he was neglecting his duties? A. I should say so; I know I have always paid attention to that.

Q. Do you know about how many men it requires to perform the ordinary prison duties — such as are employed in the mess-room, and the ordinary work of the prison? A. No, sir; I could get perhaps somewhere near it.

Q. Well about how many? A. Employed for all State duties do you mean?

Q. Yes; we will call it for all State purposes? A. I should say from two hundred and fifty to three hundred.

Q. Would that imply the necessity to a certain extent — the business of these men — would it imply the necessity, that some of them should stay away from church on Sunday? A. Yes, sir. Those who are employed in the mess-room, it would hardly be possible for them to attend church, also those in the hall, who attend to the galleries and halls, those are unable to go there, also those in the hospital, who are in charge of the sick men, also the waiters who attend to the buckets in the yard — cleaning the buckets out.

By Mr. KEYES:

Q. I think I asked you whether the convicts were in the habit of complaining of not being allowed to attend chapel services? A. No,

sir; I can't say that I have heard them complain of not being allowed attending chapel services. On the other hand, there are men who don't like to go to the chapel.

By Mr. CLAPP:

Q. There is an officer designated as chaplain connected with the prison? A. Yes, sir.

Q. More than one? A. No, sir.

Q. What are his duties; in other words, how is his time employed?

A. He attends to the correspondence of the prisoners that they are allowed to send out, and also all letters that come in he reads, and also all those that come out. He is also in charge of the library, which is in the prison. He also on Sundays attends to his proper duties as chaplain.

Q. You spoke about the Sunday services being suspended for a month or two? A. Yes, sir; I might, possibly, qualify that that during the hot summer months the men are allowed to remain out in the yard; some go to the shop and the chaplain during those Sundays — a great many of those Sundays I have known him to go around the shops in the yard and preach and talk and perform his duties in the different shops and yard. They are also, as a general thing — they are allowed to remain out longer than in other parts of the year, when they are allowed to attend chapel.

Q. In connection with this contract system does it, in your opinion interfere with the discipline of the prison. In other words, does the man who has charge of the contractor's interest there interfere in any way with the management and discipline of the prison, otherwise than supervising the work? A. No, sir; I should say not, not those who have come under my knowledge.

Q. Well, what is the general health of the prisoners as compared with those outside, people outside. In other words, how many are usually in the hospital? A. I should say that the health of the convicts as compared with those outside is good, remarkably good.

By Mr. SHELDON:

I would like to inquire whether they have any stated time for changing their clothing? A. That I couldn't speak of from my own personal knowledge, I haven't any means of knowledge, still, I think there is.

Mr. CAMPBELL — If I understand my position here, I am to sustain certain charges, and in order to do that, I would like to have an opportunity to examine this witness.

(Permission to examine the witness granted to Mr. Campbell.)

By Mr. CAMPBELL:

Q. Have you any knowledge, Captain, that the job shop company never goes to chapel, that they sit in their shop on Sunday? A. I think that is so, I think they hardly ever attend chapel, the ones in the State department.

Q. Have you knowledge that they sit in their shop and do no labor

that should keep them from chapel? A. I don't know as I understand your question.

Q. Are they kept in their shop to do any labor, or is it a general thing that they sit there idle? A. As to performing labor, there is no labor to be performed; they sit in the shop, in fact there is no room in the chapel. I have known the jobbing shop to attend chapel when there was room for them, that is, one of the companies under the charge of the State.

By Mr. RAINES:

Q. Then the men under the convicts have the best of their fellows in religious matters? A. Yes, sir.

By Mr. CAMPBELL:

Q. If the men in the laundry department, if those men perform their regular duties on Sunday, would they not have to stay away from chapel? A. I should think so.

Q. Do you know, that while I was there on that department, that men under my charge did the same work on Sunday that they did on other days? A. No, sir.

Q. You couldn't have a knowledge as to what men were doing at all times on Sunday? A. No, sir.

Q. Did you know a man by the name of Charles Beckwith, in the laundry? A. Yes.

Q. Did you ever know any special privileges he enjoyed while in that institution? A. No, sir.

Q. Did you know that he was allowed to eat in the hospital with the physician? A. No, sir; I never knew it.

Q. Did you ever know that he passed up and down the yard without his keeper? A. No, sir; I do not know that.

Q. Did you ever know Beckwith, as a convict, being interested financially in the laundry contract, that he had a money interest in it? A. No, sir.

Q. Did you ever hear a conversation relating to such a thing in the prison? A. I don't know but I might have heard such a thing mentioned.

Q. I mean that he had an investment in that contract, and he a convict in the prison? A. No, sir, I don't know any thing of that kind.

Q. Do you know this that Coburn in the mess-room performed no hard manual labor? A. I do not and I don't know but what he does.

Q. Will you say whether the paddle is made of two sides of leather stitched around the side or riveted? A. I have never seen a paddle except was a single sheet of leather.

Q. Do you know of a man ever receiving ninety strokes of your own knowledge? A. No, sir.

Q. Never heard it talked about? A. No, sir; I never heard of such an instance there.

Q. Do you know there is a system of showering men in their cells as a mode of punishment? A. I don't know of any such system as a mode of punishment.



Q. Did you as chief engineer ever issue orders to the men to bring up the hose and shower a man in his cell? A. Yes, sir.

Q. Did you ever see the man showered? A. No, sir.

Q. Did you ever see a man showered? A. I have, understand me I don't consider that as a mode of punishment.

Q. Did you ever while in the mess-room hear a grand chorus, men crying "sour bread" "sour bread" "no work?" A. Within five years? No.

Q. Within two years? A. No.

Q. Do you know the circumstance when all the men in the foundry went and sat down and wouldn't work, all wanted to go to the hospital, they all had the belly-ache on account of sour bread? A. No, sir; never heard of it.

Q. When Mr. Bowes was in charge? A. No, sir.

Q. Did you ever happen in the prison and hear one general chorus of "lousy shirts," "lousy shirts," "lousy sperry?" A. No, sir.

Q. I heard in your testimony that you gave here, that the men were given luxuries, did you ever know it to happen except on holidays, that is on Thanksgiving, Fourth of July and Christmas? A. No, sir; I think I made that remark.

Q. Do you know of a convict that was shot in that institution in 1879? A. I don't know as I can recall the date.

Q. Named John Barrett on the first floor, section "B" of the north foundry when he fell? A. Yes, sir; I think there was such an occurrence.

• Q. Did you have any knowledge of the circumstances? A. No, sir.

Q. You couldn't say whether it was necessary that he should have been shot to secure him? A. No, sir; I have no knowledge of the facts.

Q. If a convict had a rammer in his cell and there are six keepers there do you think it would be necessary to shoot him? A. Yes sir.

Mr. O'BRIEN — What is a rammer?

Mr. CAMPBELL — It is a rammer that they had to ram sand with, it is sharp on one end.

By Mr. CAMPBELL :

Q. What I want to get at is whether six keepers should surround a man and keep from shooting him? A. You are asking me for my opinion?

Q. Do you know of the circumstance that a man was shot in the winter of '80 on the ice named Buckwalsh? A. I think it was in the winter of '80.

Q. Had you any knowledge of the job that was to come off, that there was an attempt to be made, that the fact was known and they could have prevented it? A. No, sir.

Q. Don't know of keepers being placed in the yard to watch it before it came off? A. I do not.

Q. In the examination five of the gentlemen have asked a question in regard to the cleanliness of the convicts and whether it was the duty of the keeper to see that they were kept clean, do you know of your own knowledge when the keepers have asked and pleaded for clean



shirts for their convicts and didn't get them ? A. Not of my own knowledge.

Mr. CAMPBELL—I only want to show that it would be not a dereliction of duty on the part of the keeper ; if he applied for shirts and didn't get them, that is all I've got to say.

WITNESS—I would like to make a statement as to what Mr. Campbell classes as a punishment ; I would like to say that it don't come under the head of punishments ; I refer to showering.

By Mr. KEYES :

Q. Please state under what circumstances the convict is showered ?

A. When a convict is in his cell and refuses to have the door opened, or is armed with a knife or some other deadly weapon, that is the only case I know of.

Q. And is the punishment to be used prescribed in the rules ? A. That I couldn't say.

Q. By what authority are they prescribed ? A. By the authority of custom or usage.

Q. To your knowledge how many times have men been showered in the prison — to your knowledge ? A. I can't recall but three cases.

Q. Can you state the circumstances of each case ? A. I can't state the circumstances or name the cases ; I know of a case when the convict would not come out of his cell, and was armed with a knife or some other weapon and refused to come out.

Q. What was the object of showering ? A. Simply to reduce him to subjection ; simply to enable the officer to get him out of the cell.

Q. And showering is not a mode of punishment ? A. Simply as a last resort for the maintenance of discipline.

Q. When would he be subjected to any other form of punishment after being subdued ? A. I should think he would be — locked up in the dark cell.

Q. He would be liable to be paddled or locked up in the dark cell for such disobedience ? A. I think he would.

*Augustus A. Brush*, sworn and examined as a witness, testified as follows :

By Mr. KEYES :

Q. You are the agent and warden of Sing Sing prison ? A. Since April 1, 1880.

Q. Have there been changes in the office of principal keeper during your administration ? A. There has.

Q. Who was principal keeper when you became warden ? A. Patrick H. Bowes was principal keeper April 1, 1880.

Q. How long did he remain in charge ? A. Until the 1st of September following.

Q. Did he resign ? A. He did not ; he was removed.

Q. Who then became principal keeper ? A. Jesse Dixon, and who now remains there.

Q. He is now the principal keeper ? A. The principal keeper.

Q. What was the occasion of Mr. Bowes' removal ? A. I will make it as short a story as possible ; I learned that J. Loyd Haight, a noted

criminal, had been taken from the contract work and put in the chaplain's office as clerk ; I asked Mr. Bowes the reason ; he said the doctor told him he was working himself down on the contract work and would have to be taken off immediately ; I had my suspicions, and afterward I asked the doctor as to Loyd Haight, and he said, " he is all right as far as I know ;" I immediately set on foot an investigation, and I found that five hundred dollars had been paid for his removal ; I immediately put Mr. Bowes out and Mr. Burdick (the man who received the money) out of the yard and neither of them have been in since.

Q. Have any of the subordinate keepers been changed during your administration ? A. Several.

Q. For cause or resignation ? A. Both for cause and incapacity, for the situation is difficult to fill and many good men don't fill it well.

Q. Have any been removed for disorder or violating the discipline of the prison ? A. Yes, two.

Q. What were their offenses ? A. I found in the possession of one a letter to a prisoner ; a letter of his was opened by accident by the chaplain and in that were found two letters to convicts, and I immediately discharged him ; Mr. Campbell was removed for general incompetency, quarreling with the convicts, and sleeping in shop.

Q. Mr. Campbell was one of the keepers removed ? A. Yes, sir.

By Mr. RAINES :

Q. That is the second time ? A. Yes, sir.

By Mr. KEYES :

Q. He has been connected with the prison two different times ? A. Two times during my administration.

Q. He has been removed only once by you ? A. He was taken from the prison-roll ; he was sick and taken from the prison-roll ; he was absent from September 8 or 9 ; he did Sunday duty on the 10th, and didn't come back during September, October or November ; his name was taken from the roll October 16 ; he was reappointed as guard December 6, 1880, and he was discharged May 14, 1881.

Q. When you speak of his discharge, you speak of his last discharge ? A. He had suffered much from malaria ; he came back very weak, totally unfit for duty ; I tried him in different places, in one shop where we very rarely put a keeper, in the jobbing shop which is mostly under Captain Hilbert's direction, and I found him of no use there and finally discharged him.

Q. Please state the facts and circumstances connected with his restoration ; that is, his last reappointment ? A. The last reappointment he came back and begged me to reappoint him, and I told him he was unfit and I could not ; he said it was bread for his family or starvation ; I told him, " Mr. Campbell, you are totally unfit for duty," a child ten years old could put him out of the yard ; finally he begged me to give him a place, which I did until he was discharged ; of course he filled the place of some other officer except in the laundry.

Q. You spoke of Mr. Campbell's defects ; what were his defects as

keeper? A. Sitting down and going to sleep, swearing very much ; calling out in the gallery that none dare touch him ; quarreling with the officers. Once he wanted to fight with one of them ; when I heard of that I discharged him.

Mr. CAMPBELL—Now, Mr. Chairman, I object to this.

Mr. Campbell is requested to keep quiet.

Mr. BRUSH—I speak officially ; these are the reports that come to me from the officers.

By Mr. KEYES :

Q. State now, Mr. Brush, any other facts within your knowledge going to show the attention that is paid by the prison authorities to the moral welfare of the convicts—allegations have been made, as you have heard from the testimony of Mr. Campbell, that the moral interest of the convicts has been neglected—please tell us any thing bearing upon that allegation ? A. Well, there is a chaplain whose duty it is to look after their moral welfare ; we also have a Catholic priest who officiates every month and comes there every Monday of the week to hear confession, and the chaplain visits the gallery every Sunday afternoon ; the chapel is filled by the companies who finish their meals first, and those convicts who get through their breakfast first go to the chapel and the others go to the shops where Brother Brown preaches or in the laundry. In the summer time when the chapel is closed, the chaplain goes around in the yard and sort of exhorts ; they are furnished with good books and all the books they can read ; we have a fair library, to which we have added some two hundred volumes.

Q. Are there some of the convicts who are permanently prevented from attending religious services ? A. The mess-room—I think we have never had a man refuse to go—the mess-room couldn't all go ; the hall-men couldn't all go ; but we accommodated all that we have accommodations for.

Q. They have access to the chaplain for religious conversation ? A. Yes, sir, and for their monthly letters.

By Mr. CLAPP :

Q. How many does the chapel accommodate ? A. About 1,200.

Q. How many have you there now ? A. About 1,500—there are some in the hospital ; we have 250 on the State.

Q. Are the convicts required to do manual labor on Sunday ? A. Except in the case of extraordinary repairs, that has happened very seldom since I have been there ; one case I remember very distinctly ; the Corliss engine needed repairs and the Providence men worked on the 4th of July and on Sunday and I suggested myself that we put on that job all the convicts we could employ—Captain Hilbert had charge of it—by working 4th of July and Sunday, we didn't lose a day's work.

Q. And with the exception of extraordinary exigencies like that are the convicts employed at Sunday work ? A. Never, in any other instance.

Q. How is it as to the laundry contracts—have you personal knowledge of that ? A. Nothing except as to orders—if Campbell allowed

men to work there on Sunday, it was against the rules and he ought to have been punished for it — it is contrary to orders.

Q. In some of the shops there are certain kinds of work that requires to be done on Sunday to prevent loss of material? A. No, sir; except in the laundry.

By Mr. RAINES :

Q. Do you mean to say that Mr. Campbell or any other keeper who would take a gang of men from their cells on Sunday and set them to work it would be contrary to orders? A. No, sir; he might take a man and do a little work while they were waiting for chapel; if the men wanted to turn the shirts over in the starch-room they might do it with the keeper's consent; I suppose in the summer time for perhaps two months they sprinkle their shirts on Sunday morning, perhaps fifteen or twenty minutes' work, so as to be able to get through their work — that they do from their own choice — in the winter time we don't do that — in the nine months of the year we don't do it.

By Mr. KEYES :

Q. It has been alleged that certain noted criminals are treated with special favor in the prison — there was a convict spoken of as Hope?

A. I would like to state generally that one of the greatest efforts of my life is to prevent that one thing to prevent any favoritism and with 1,500 men it is pretty hard work to avoid charges of favoritism — Johnny Hope is put in the laundry — we don't know whether he is to be put to work at the packing or turning or sprinkling — we let the contractor put him where he pleases — if he is put upon an easy piece of work and afterward they put him at a harder one I always have him put back; I say to the contractors I won't allow you that power to be exercised as a mode of punishment; the place that Hope has is not an easy place; he sorts and packs some 200 shirts in packages and prepares them for shipment, but he likes it because he has got used to it and he does it well. Kelly does the same work — prepares the shirts for shipment; it requires a careful man. Coburn is in the mess-room — he has an hour or two more of work than the contract men; his duties require him to work two hours longer than any of the contract men and it is a responsible position — to see that the waiters are in position and the convicts are properly served. Those are the three cases referred to and that is all.

By Mr. RAINES :

Q. You employ some men in a sort of clerical position? A. The contractor employs those as he pleases and when they give a convict that sort of employment I don't like to have him changed; I am careful that the contractor shall have no mode of punishment in his hands.

By Mr. KEYES :

Q. Please tell how the men are assigned to the different departments? A. The doctor examines every man carefully and makes a

report to the principal keeper and the principal keeper on that report assigns him to the different contracts, but not to the kind of work on that contract; if a convict comes to the prison who has been there before, who has been placed on either of the contracts in his previous incarceration, he is placed on that contract — the different contracts are all divided among the convicts — the stove contract, 900, shoe, 300, laundry, 130; if one contract is full they are put upon another contract.

Q. Have the contractors or their employees — citizens — any power or right to interfere in the discipline or management of the convicts?

A. Not in any way; they have no right to know whether a convict is punished.

Q. Do they report the convict for punishment in any way? A. They report the work if it is short.

Q. In cases of violation of duty while the convict is at work is that reported by the contractor? A. By the keeper.

Q. Do you take reports of that kind from the contractors or their employees? A. Not at all; I would make an investigation of it.

Q. But you took it on the direct complaint of the keeper? A. Yes, sir.

Q. Who is continually in charge of the company? A. Yes, sir; who can't leave them without a relief — not even for the water-closet.

Q. It has been alleged that certain convicts who are sick and in feeble physical condition are sometimes treated with great severity and particular instances have been mentioned, going to show such severity — perhaps you will recall some of the individual instances mentioned in the testimony last Saturday? A. In the testimony last Saturday, the doctor has that entirely under his charge and he has the same power in the prison that he does in the army — he is above me — if he says a convict is unfit for work he can't be worked; if he says he cannot be punished, he cannot be punished — if he is taken to be punished and the doctor says he must not be punished he is not punished; the doctor having so many complaints and so many applications, no doubt he makes mistakes; I spend much of my time on the gallery listening to the complaints of prisoners and trying to investigate them.

Q. You investigate personally complaints? A. Yes, sir; I spend many of my evenings and Sundays in that way; if a man feels that he is unsuited for the work I try to get him assigned to work more suited to his taste.

Q. Do you know anything of the case of James Macinson, a gallery man? A. No, sir; I do not.

Q. Do you know anything of the case of McCormick? A. Nothing more than what the record shows — The record shows that he has had three punishments in the dark cell — and the record shows that he has had one stock punishment. I think that is the punishment that Mr. Campbell refers to — Mr. Campbell is responsible for allowing this man in the yard without a pass and he ought to have been punished; he was insolent, I understand, but Mr. Dickinson will explain that as he knows all the facts. I have no information in regard to it only from the record.

Q. You heard the testimony of Mr. Hilbert in reference to punishments used in the prison? A. Yes, sir; there are but two.

Q. Is his testimony correct in that respect? A. Perfectly, and they are directed by the superintendent more in conversation with the principal keeper than with me. He interviews the principal keeper more than he does me as regards punishment.

Q. Who is the man he confers with most in regard to punishment? A. With the principal keeper — I might say Mr. Dickinson, your punishment is too severe or too lax, but he attends to the details.

Q. You are accustomed to be present? A. Never was present.

Q. Is it customary for the principal keeper to bring cases of punishment to you before its being inflicted? A. Always; I insist upon that.

Q. Is any convict punished without your knowledge? A. No, sir.

Q. The cases of showering that have been referred to — are they deemed punishments? A. No, sir; the purpose of it is to get possession of a man who is a desperado, and I prefer that he should be showered rather than to endanger the keeper's life.

Q. And after being reduced to submission is the convict afterward punished? A. Yes, sir; almost always. It depends, however, upon how he talks; if he says he is going to behave himself I almost always try him. I have heard the testimony of Mr. Campbell; as to the convicts going six weeks without having their shirts washed I would like to say something in regard to that. It was during my first term that it was suggested that there was some complaint as to the shirts not being changed often enough. The system I found there was to have about one and one-half shirts to a man.

Q. Three shirts to one man. A. Three shirts to one man — that is the idea — so that the shirts of one company would be sent to another company; that led to great confusion. When the wheels broke down, as they would sometime, the men would fall out of their order. As soon as it came to my attention I sent to New York and got three cases of shirting, and since that every man has a change every Thursday night, and I have been getting shirts all the while since.

Q. Did Mr. Campbell call your attention to it at that time? A. No, sir.

Q. Had you knowledge of it at the time? A. Yes, sir; I found that out by the men talking with me on the galleries and in the shops, and as soon as I found it out I immediately corrected it; and I told the State shop keeper that it must never happen again.

Q. As to the facilities for bathing, I understand there are none in the prison? A. There are none for regular baths, but the foundries are supplied with large basins, and in the mess-room there are basins. The men strip and wash in the foundry.

Q. And all of them have facilities for washing their bodies if they choose to? A. Yes, sir; and their keepers should see that their men are kept clean — that they wash at least once a week.

Q. Is soap provided for all of them? A. Yes, sir; most of them have their fancy soap from their friends. That we allow; I would say here with your permission, that the records of punishments for the two years of my administration and the two previous years is in favor of my administration. It has been reduced one-half — I have reduced the punishment one-half as shown by the records. And loss



of time in dark cells for punishment is less than one-half as compared with the two years previous.

Q. You have compared the records? A. Yes, sir; I meant to have got the record, but it will be found in my report for 1880, and it is corresponding since.

Q. You keep a record of all punishments? A. Yes, sir; all come to the State Superintendent, weekly.

Q. Can you state the number of corporal punishments during your term? A. No, sir; I cannot.

Q. Approximately? A. No, sir; Mr. Dickinson will have those.

Q. What proportion of the convicts during your administration have to be subjected to punishment? A. During my administration I should say one-third. Two-thirds never receive a reprimand from the time they come to the time they go.

Q. By whom is the diet of the prisoners prescribed? A. By myself subject to the doctor — it is his duty to look after the diet of the prisoners, and see that I provide proper food. I have improved the diet of Sing Sing prison fifty per cent, and it is more than paid for in additional labor; less sick men. They have more coffee, more apples. I don't think there is a keeper in the prison, or a discharged prisoner, that will not tell you that it is twenty-five per cent better during my administration than ever before.

Q. Do complaints ever come to you from the convicts in regard to the diet? A. Oh yes! The half-sick, the dyspeptic and consumptive. And that is one of the difficulties we have to contend with — to give them proper food without having charges of favoritism.

Q. Is there any thing else that occurs to you, Mr. Brush? A. As there has been referred to to-night, Beckwith — a small, feeble man — he was allowed, during my absence, to do light work in the doctor's office. I found him there on my return from a trip to Albany. I said to the doctor — "If Beckwith is sick take him into the hospital." It is a very difficult thing to do, to feed these men. It is better to have a prisoner sent to the hospital than kept at his work and fed extra, so as to avoid the charge of favoritism.

Q. A difference is made as to the convicts in the hospital? A. Yes, sir; the doctor provides the food for a great many in the hospital — oat-meal, and things like that.

Q. You went with the committee in the dining-room last Saturday? A. Yes, sir.

Q. And saw the articles of diet prepared for the convicts for dinner on that day? A. I did.

Q. What was the diet on that day? A. It should have been fresh beef and onion gravy, mashed potatoes and coffee. That is what it should have been for Saturday, and all the bread they want, and I call upon you to say for yourselves.

Q. I simply ask this for the purpose of getting it on the record? A. Mr. Fury will testify to that.

Q. Would it, in your judgment, be practicable and desirable to establish a bath for the convicts, where they could bathe their whole persons? A. We once had such a bath at Sing Sing, but it was abolished. But changes in the year — I don't know, I think Captain Hilbert can tell you more about that than I can — I don't know as it could be used in winter — I hardly know how to answer that



question — I have studied it a good deal — I see no way — how we could go to these men and compel them to bathe.

Mr. KEYES — Mr. Chairman, I hardly feel like conducting this examination further to-night; I labor under this difficulty I have had no opportunity of reading the testimony taken last Saturday. I would like to look that over before proceeding further.

Mr. O'BRIEN — Suppose we adjourn subject to the call of the Chair.

Mr. RAINES — Some of the witnesses are subpoenaed here to-night, perhaps it would be better to fix a day.

Mr. BRUSH — I would like to put myself on record in regard to the article in the *Herald* to-day. That all happened six or seven years ago. There was an investigation at that time; Mr. Pilsbury was chairman of the committee at that time.

Mr. KEYES — You refer to the charges in the *Herald* to-day? A. Yes, sir; it was in the old Stokes' times, and was thoroughly investigated. Then there was a little article by the convict Barrett; he was let out yesterday. He complains that his clothes were not good enough — I don't know what they were; they were a good deal better than he deserved, or brought there.

By Mr. KEYES :

Q. You were asked, Mr. Brush, as to the origin of the article in the *Herald*, that appeared in the *Herald* under the date of February 23; do you know any thing of the origin of that article? A. That article was written almost verbatim in the prison, by a prisoner.

Q. Can you state the name of the prisoner who wrote it? A. The name of the prisoner who wrote it, I think, was Morgan; but the prisoner who furnished the facts from the book was another man, a life man, I think his name was Mann. The second edition, I think, I captured before it went out. I knew it was going out, but they got it out before we could capture it.

Q. Please state, if you please, the facts and details connected with the appearance of that article? A. February 23, we had notice from the convicts in the prison that it was to appear on that date; and we were also informed that the article was going out to Mr. Campbell, and the man who sent it has since confessed it, and the man who furnished the information has confessed it.

Q. Have you found any thing in manuscript of this sort? A. Yes, sir; fourteen pages, some of it was destroyed, but we captured fourteen pages. The man who was to see Mr. Campbell was Harris, a former barber in the prison. He wrote that he would see him, and that he agreed to take it to him.

Q. Where is this man now? A. I think he is on Blackwell's Island, or Kings county jail, at any rate he is where we can put our hands on him.

Q. What position does he hold there? A. He is a prisoner; that's the way the letter miscarried — he writes back for further details, a letter was sent back and he was captured before he got the letter.

Q. And the manuscript which you found in the prison does not contain the same statement as that in the *Herald*? A. It answers these in Mr. Campbell's name, and makes an argument with him.

Q. Have you that manuscript in your possession? A. Yes, sir.

Q. Can you produce it ? A. I can.

Mr. KEYES — Do the committee deem it important that this manuscript be produced ?

Mr. O'BRIEN — I think it would be well to have it.

Mr. BRUSH — I would like to have the committee have it ; but not for publication. The *Herald* reporter when he saw it acknowledged that it was Campbell's style.

Mr. KEYES — I think we'll call for the production of it, and will then make a decision as to what disposition we shall make of it.

Q. Can you produce it ? A. I will produce the manuscript.

Mr. O'BRIEN — I would like to ask you one question, you say the prisoners are fed better in this prison than in any prison in New York ?

A. No, I said in the world.

Q. Do you know what rations they get at Dannemora ? A. Yes, I have got a list of them.

Q. Do you know that your rations are better ? A. Yes, sir.

Q. Than Auburn ? A. Yes, sir.

Q. Does it cost you more to feed them ? A. Yes, sir ; fifty per cent more, and about thirty per cent more than Auburn we pay for rations ; we pay much less for officers than they do at other prisons, we work more men under one officer than they can.

Mr. O'BRIEN — Now, Mr. Keyes and Mr. Raines, had we not better adjourn for some day next week ?

Mr. RAINES — I thought you had settled on Tuesday evening.

Mr. O'BRIEN — Can Mr. Brush come then ?

Mr. BRUSH — I can't come then if Mr. Dickinson comes ; Mr. Fury can come up Tuesday night.

Mr. Campbell desires to make a statement before adjournment.

Mr. O'BRIEN — Mr. Campbell, suppose when Mr. Brush comes up again you can ask him ?

Mr. CAMPBELL — I don't want to ask him any questions, I simply want to make a statement.

Mr. KEYES — We don't propose that you shall run this investigation or this committee.

Mr. O'BRIEN — We will give you a chance to cross-examine this witness.

Matter adjourned until Tuesday evening, March 21, at half-past seven, at committee room in State Capitol.

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ALBANY, *March 21, 1882.*

Present — Messrs. O'BRIEN, Chairman, SHELDON, CLAPP, KEYES, HIGGINS and KELLY.

*Charles Fury*, being duly sworn and examined, testified as follows :

Mr. BRUSH — Allow me to suggest, Mr. Fury is kitchen or mess-room keeper and that is about all he knows of it.

By Mr. KEYES :

Q. Where do you reside Mr. Fury ? A. My home ? Malone, in this State.

Q. What is your present position ? A. Mess-room keeper at Sing Sing prison.

Q. How long have you been so occupied ? A. A little over five years.

Q. What are your duties in that position ? A. I receive all the food and see that it is properly cooked and distributed to the convicts.

Q. You are personally present in the mess-room ? A. Yes, sir, all the time.

Q. From what time in the morning to what time at night ? A. We open at quarter past six and close about half-past five.

Q. And your duties there consist of what ? A. I receive all the food and see that it is properly cooked and distributed.

Q. What do you mean by receiving all the food ? A. I make a requisition on the store-keepers for what is wanted.

Q. Have you any thing to do with designating the kinds and quality of food that should be used in the prison ? A. With the consent of the warden, after consulting the warden.

Q. Will you state what is the prescribed course of diet in the prison for the prisoners ? A. Mornings we always have hash, bread and coffee, we don't change that rule ; for dinner, we change the dinner, some days we have, Mondays for instance, at this time of year we have either pickled shoulders or loin of pork boiled, and with that we give them beans, boiled potatoes, bread and coffee; for dinner, if we don't give them beans we give them mashed turnips. When we can get cabbage we give them cabbage and we have what we call pork. Tuesdays we have fresh beef.

Q. How cooked ? A. Boiled, every thing is boiled, that is, it is boiled in what we call kettles. The food does not come in contact with the fire, it is steamed. Tuesday, when we use fresh beef, if we give them soup, we make a soup either of vegetables or beans, and with that we give them boiled potatoes and bread. When we give them soup we don't give them coffee ; if we don't give them soup we give them mashed potatoes and onions. With the men we have now we take seven barrels of potatoes and two barrels of onions ; with that dinner we give them coffee. For Wednesday, at just this present time, we feed them corn beef, if we have it, or maybe ———. For the number of men we have now we use a thousand pounds.

By Mr. SHELDON :

Q. How many men have you there now ? A. About fifteen hundred. When we use fresh beef we use a little over six hundred. Tomorrow our dinner would be loin of pork, loin of pork just cut off, mashed potatoes, bread and coffee ; Thursday we have again fresh beef. We feed fresh beef three to four times a week.

By Mr. KEYES :

Q. Always cooked the same way ? A. Yes, sir ; boiled. Thursday we have fresh beef, raw onions, bread and coffee ; Friday, we never change that.

Q. The same on Friday as on Thursday ? A. No, sir ; on Friday picked-up cod-fish, boiled potatoes, bread and coffee.

Q. How many pounds of cod-fish do you use? A. We use six quintiles, that would be 672 pounds. The fish is prepared so that you or I would eat it, or any other man, that is, if he is hungry. We take the skin off and the fins off, and soak it over night, then we boil it and put it on a large table, and it is spread out there and all the bones are taken out, and then we take 120 quarts of milk and beef drippings, that is the fat that comes off the meat, it is just as good as butter, and we put the fish in that and thicken it a little with flour, salt it and pepper it so that it is palatable. For dinner, Saturday, we have fresh beef, boiled potatoes, and stewed onions — It takes three barrels of onions, they are chopped up and stewed — and bread and coffee, we always give bread and coffee when we don't give soup. Then for Sunday, they don't get but two meals Sundays.

Q. What do they have Sundays. A. Breakfast at half-past seven ; then they take their dinner into their cells with them, and can eat it when they like. They are brought out to breakfast on Sundays, then go to chapel ; after that they take their dinner to their cells with them.

Q. Is there any larger quantity given them than at any other day for dinner. A. We don't give them so large a dinner, because they don't require it. For dinner, Sunday, we give them about a quart of rice-pudding, and bread ; we don't give them plain bread, Sunday, we call it sweet loaf, twelve of them fill a pan ; they get one of them and either a ration of stewed prunes, and, when we can get them, about a quart of green apple-sauce, and dried apples and stewed peaches stewed together.

Q. Is meat given on Sunday dinner? A. No, sir ; we did when I first went there, but gave it up.

By Mr. SHELDON :

Q. Do you always give them hash for breakfast? A. Yes, sir.

By Mr. KEYES :

Q. You have stated now what the dinner meals are ; now, what is the supper? A. Bread and coffee.

Q. Bread and coffee every night? A. Every night ; we give them coffee in their cells, Sunday afternoons.

Q. Do the convicts ordinarily eat all that is set before them on their tables in the prison? A. No, sir.

Q. There is always more or less left? A. Yes, sir.

Q. If a convict clears his plate of what is set before him — ? A. He can pass his plate down to the keeper and get more.

Q. That is a privilege granted him? A. Yes, sir.

Q. Do the convicts ever ask for more? A. I will tell you how that is, there are some men who eat more than others and when we put out the rations we have men who serve out the rations, for instance, potatoes, hashed onions, and mashed potatoes and onions ; we give out what we think is a ration and if a man wants more he gets it ; sometimes there will be a dozen plates come down and sometimes not so many ; we know where the hard workers are ; the foundry men are hard workers ; we know where the foundry men sit, we always put

heavier rations on their plates, and it is very seldom that a foundry man asks for more than one plate.

Q. How do those who work at the emery wheels eat as compared with the rest of the convicts? A. Just the same as the others in the foundry.

Q. Have you ever observed that their employment lessens their desire for food? A. No, sir; I notice those high-toned ones who have been used to having their breakfast at ten o'clock, they don't like it at first, but afterward they take their rations as well as the others.

Q. Is coffee of uniform strength given to the convicts? A. No, sir; for supper we give them crust coffee, and for breakfast; for dinner we mix it, Rio and crust.

Q. You have a fixed rule for making the coffee, do you? A. Yes, sir.

Q. What quantity is used daily? A. We use from a barrel and-a-half to a barrel of crust.

Q. What do we understand by crust coffee? A. Bread — the bread they don't eat, it is made into crust.

Q. There is no genuine coffee mixed with it? A. There is for dinner.

Q. What proportion? A. I use fifteen pounds of coffee for dinner with the crust; we don't measure the crust.

Q. What proportion? A. We use from a barrel and-a-half to two barrels; this coffee that is left from dinner, the supper coffee gets the benefit of that.

Q. And for fifteen hundred and seventy odd men, about fifteen pounds of Rio coffee is used daily? A. Only for one meal, that is, for dinner.

Q. If complaints were made by the convicts of the fare furnished them, would you be likely to be cognizant of their complaint? A. They often make complaint when they don't know what they are complaining about — can't give any reason for it.

Q. They have no other complaint? A. That is the only complaint made for the last two or three years that I know of; if it is hot weather and they drink a good deal of water and it loosens their bowels, they always say the doctor jalaps their coffee.

Q. Do they ever make complaint of the quantity of their food? A. No, sir.

Q. Or the quality? A. No, sir.

Q. Are delicacies of any kind ever furnished the convicts to any extent? A. No, sir; not by the prison; we have got some men there — there are some men who don't eat much of any thing to speak of — don't eat hash — dyspeptics — we give them molasses, that is, when they call for it.

Q. In the hospital how is it? A. That I know nothing about.

Q. You have no charge of it? A. No, sir.

Q. Are the friends of the convicts allowed to furnish them delicacies? A. Yes, sir; that is out of my line; I know they have them come in there once in two months, that is, I know they have things.

Q. You would not be likely to know of that? A. I might see it there; he might have it in his cell, and I would not know any thing about it; sometimes I might see a man with a bottle of Worcestershire sauce.

Q. How many men are employed in the mess-room in preparing food for the convicts? A. I have got about forty-four altogether, I think.

By Mr. BRUSH:

Q. Besides the bake-shop? A. I have nothing to do with the bake-shop.

Q. You don't refer to the bake-shop? A. No, sir; that is another building.

Q. You mean that forty-four men are employed in the kitchen proper? A. Yes, sir; and the mess-room, washing dishes, etc.

Q. Is the employment in the kitchen and mess-room considered a laborious employment? A. Yes, sir.

Q. How would it compare with the work in the laundry or shoe shop? A. I don't know.

Q. Or in the foundry? A. I couldn't tell you; I know my men there have to work pretty hard.

Q. Do you know whether or not the convicts regard the mess-room as a desirable place? A. No, sir, they do not — some of them would and some wouldn't — I have often had men come to me, and ask if I couldn't get them on a contract.

Q. How many hours a day do the men work in the laundry? A. Some of them come out an hour before we open, or an hour and a half, and some two hours.

Q. Are there any citizens employed in the mess-room? A. No, sir.

Q. Work all done by the convicts? A. Work all done by the convicts; yes, sir.

Q. Are certain of the convicts employed to superintend the others? A. Only one — Oh yes! there is two — one in the kitchen and one in the mess-room.

Q. Who are they? A. One named John Dean, and one named Joe Coburn; the man in the back kitchen is the head cook, and when I take a convict in I always take them to Dean and say "whatever Dean tells you to do you must do," if there is any trouble to come to me afterward. Convicts never like to have another convict superintend them. Coburn's place is to see that the tables are properly taken care of, and the food all on.

Q. Has Coburn, in your judgment, any special fitness or qualifications for superintending that part of the work? A. I don't know that he has any more than some others. I haven't got any men around me now that I think as well qualified.

Q. Does he, as a matter of fact, perform satisfactorily and in a competent way the duties of the position? A. Yes, sir.

Q. How long has he been so employed? A. I don't know, sir.

Q. Less than a year? A. Yes, sir.

Q. Does any complaint or trouble arise among the prisoners employed in the mess-room in consequence of their being superintended by convicts? A. No, sir; well, they are not superintended by convicts; I am there all the time unless I go to dinner, and then there is a relief officer in my place.

Q. Certain discretionary powers are given them? A. That is to see that the work is performed in a satisfactory manner.



Q. Are they employed any greater number of hours than the other prisoners employed in the mess-room? A. Yes, sir; Dean comes out first and Coburn the next.

Q. Where prisoners are employed at Sunday work are they allowed any extra food? A. Yes, sir, always.

Q. I mean, are they allowed any other kind or amount of food than is furnished to the convicts generally on Sunday? A. Yes.

Q. How are they supplied? A. If there are two or three convicts at work in the yard — what I mean by the yard is outside of the prison — I always get them up an extra dinner. Have them come in at one o'clock and get their dinner — sometimes beefsteak and onions; corn beef and onions.

Q. They have more than the two meals a day? A. Yes, sir.

Q. Allowed to the other convicts? A. Yes, sir.

Q. Was Coburn placed in the mess-room when he was first confined in Sing Sing prison? A. Yes, sir.

Q. He was never placed at hard labor to your knowledge in the shoe shop or foundry or laundry? A. No, sir.

Q. What is the general health of the prisoners? A. I should call it good.

Q. Do you discover any difference between the physical condition of the convicts employed in the laundry for instance, and those employed in the foundry? A. Not, if I should judge by their eating.

Q. And the same is the case with the shoe-shop? A. I know they are not as heavy eaters there in the shoe-shop as they are in the laundry or foundry.

Mr. KEYES — Mr. Chairman, perhaps we have covered the grounds of this witness' examination.

Mr. O'BRIEN — Would you like to ask any question?

Mr. CLAPP — No, sir.

Mr. O'BRIEN — Mr. Sheldon?

Mr. SHELDON — No, sir.

Mr. O'BRIEN — Mr. Higgins?

Mr. HIGGINS — No, sir.

Mr. KELLY — No, sir.

By Mr. KEYES:

Q. How much meat is allowed to each convict per day, do I understand you? A. When we cook fresh meat we cook sixteen hundred pounds.

Mr. CLAPP — One meal? A. Yes, sir; for dinner.

By Mr. KEYES:

Q. That is about a pound for each convict? A. No, sir; there is the bone and the fat we get out of that sixteen hundred; we generally get enough for our hash for breakfast.

Q. That is left over? A. Yes, sir.

Q. Then each convict actually consumes only about one-half a pound of meat at a meal on the average? A. I never weighed it after it was cooked.

Q. You don't know what the shrinkage in weight would be? A. No, sir.



Q. How many potatoes are used monthly ? A. We are using on the average about twenty-two barrels a day now, not bushels, barrels.

Q. How does the quantity of the food at present supplied at the prison compare with that furnished during the previous three years of your attendance ? A. Well it is a great deal better in every way.

Q. More in quantity ? A. Yes, sir.

Q. And a better quality ? A. And a better quality yes ; last year we used some eight thousand eggs — last year before that didn't use quite three.

Q. You haven't spoken before about the use of eggs in the prison ; please state to what extent they are furnished to the prisoners ? A. When we can use them we always give each man four eggs for dinner.

Q. In addition to what you have spoken of ? A. No, sir ; in place of meat for dinner, and in addition to what we give them bread and coffee and gravy.

Q. Is there any prescribed limit to the quantity of bread or potatoes that the convicts may have ? A. No, sir.

Q. They are allowed to have ? A. All they want ; to show the difference between the quality of our bread and what it was three, four, five, six years ago ; the men were limited in the quantity of bread they got for supper and in the morning it was no unusual thing to see three and four barrels of bread come back from the hall ; we put in a man's cell now what we call a ration ; that is a fourteen pound loaf cut into pieces ; and on a table we have piled up bread cut into about seventy-two pieces to a loaf, what we call checks ; it is a loaf cut into six pieces and that into twelve pieces, and as the man passes he can take what he wants ; they know they have a ration in their cells ; I have known them to take five and some six ; and some don't take any ; now it is an unusual thing to take a barrel of bread back from the cells.

Q. Was fresh beef furnished when you first became connected with the prison ? A. Yes, sir.

Q. In the same quantity it is now ? A. No, sir.

Q. How frequently ? A. Sometimes once ; sometimes twice a week.

Q. And now it is furnished how many times a week ? A. Four times, if necessary.

Q. And the hash used at breakfast is made from the fresh beef used there ? A. Yes, sir ; sometimes fresh beef ; and when we have a loin of pork left that is made into hash.

Q. Do all the prisoners take the same fare ? A. I don't understand you.

Q. Do all the prisoners have the same articles to eat ? A. Yes, sir ; that is unless their friends send them any more.

Q. Or unless they are in the hospital ? A. Yes, sir ; of course they don't eat with me if they are in the hospital.

Q. Their food is not prepared there in the kitchen if they are in the hospital ? A. No, sir ; prepared under the supervision of the doctor.

Q. What can you say about the order and discipline of the convicts, as shown in the mess-room, during your connection with the prison ? A. The order or discipline is good.

Q. Is there any difference between the order existing now and that which existed five years ago ? A. Yes, sir.

Q. Better or worse ? A. Better.

Mr. KEYES — Gentlemen, I don't know as there is any thing further I care to ask this witness. Is there any thing further you would like to state ?

WITNESS — There is one thing more. In the vegetable season we always feed all the vegetables that the men want. Take for instance when cabbage is in season — we give them cabbage once a week — it takes over six to eight hundred heads of cabbage — and when we can get it we always give them sweet corn — when that is in season — we give them from two thousand to twenty-two hundred ears at a meal. When tomatoes are in season we always feed them — cook them — either cut them up and cook them, or sweeten them and give them to them raw — just as we see fit.

Q. Just as they prefer them ? A. No, sir.

Q. Or as you see fit ? A. Yes, sir ; just as we see fit. If we undertook to give it to them as they prefer, it would be impossible. Holidays, Fourth of July, we always give them roast beef, fricaseed chickens — Christmas — and clam chowder.

Q. And on all holidays you provide them — ? A. Something extra.

Q. Out of the general order ? A. Out of the general order — yes, sir — and we always change the dinner when it is possible to do it. Now, if we had a certain meal to-day, we would try to have something different next Tuesday.

Q. And it is part of your duty to superintend the order of the meals ? A. Yes, sir ; and see that it is properly prepared and properly cooked and put on the table — that with the two men that assist me.

By Mr. SHELDON :

Q. Is there bread enough to make the coffee for two meals ? A. Yes, sir, sometimes.

Q. Do you use any milk or sweetening for the coffee ? A. Yes, sir ; we sweeten the coffee with molasses.

By Mr. KEYES :

Q. The coffee is sweetened when it is put on the table ? A. Yes, sir — it is a good drink, I would drink it myself — when I first went there it was an unusual thing for the men to get coffee for dinner — such a thing was not known — they were never known to have coffee for supper until I introduced it — and we give them all the coffee they want to drink, especially in warm weather.

Q. How much coffee do you use ? A. It takes four hundred gallons of coffee for each meal.

By Mr. O'BRIEN :

Q. How much tobacco do the convicts get — each one ? A. That is out of my jurisdiction.

Mr. BRUSH — Two ounces a week.

By Mr. O'BRIEN :

Q. That plug ?

Mr. BRUSH — We give them fine cut now.

Q. You used to give plug tobacco ?

Mr. BRUSH — Yes, sir.

Mr. FURY — Old time convicts tell me they could tell for five years ahead what they were going to have there.

By Mr. O'BRIEN :

Q. Do you give them butter? A. Sometimes ; occasionally give them butter for Sunday.

Q. They have their tea sweetened? A. Sweetened with sugar and milk ; we seldom give them tea, if we give them tea they make such gluttons of themselves that they don't get over it for two or three days.

By Mr. KEYES :

Q. Have you observed during your connection with the prison any degree or kind of partiality on the part of the authorities in the prison as to the treatment of the convicts either as to the kind of work they are required to perform or the kind or quantity of food with which they are furnished? A. No, sir, the only person that dictates to me about feeding the men is the doctor, and he has recommended to me sometimes that I give certain men molasses instead of hash for breakfast ; that he has a right to do ; it is on account of the men not being able to digest their food.

Q. I understand you to say that it is within your province to suggest or designate the kind and quantity of food that is supplied to the prisoners ; do you have any difficulty in obtaining from the warden the articles of food or provisions that you desire? A. No, sir, I always have enough on hand for several days ahead.

Q. Are your suggestions in reference to matters of that kind usually followed? A. There is sometimes ; I am under oath ; I wouldn't say they are always, but as a general thing they are.

Q. Do you recall any instance when they have not been followed? A. No, sir, I couldn't.

Q. If not followed, for what reason were they not followed? A. That it would be impracticable to do it ; the warden sometimes suggests to me to feed certain articles to the convicts and I would go against it for the reason that it would be impracticable.

Q. Can you state any particular instance? A. No, sir ; one thing we couldn't do would be to put a ration of butter on the table.

Q. Butter is not furnished? A. Yes, sir, sometimes.

Q. Why would it be impracticable? A. Because the man on the lead would clean the table if there was not an officer watching him.

Q. Do it for mischief? A. No, sir, do it because they wanted it.

Q. Is it considered so great a delicacy that they would do that? A. Any thing for a change, they would steal while you're looking right at them ; you would probably think it was not a great thing to feed them a ration of eggs ; I would like to have you try it once.

Q. Do you mean to say that they don't recognize the difference between meum and tuum? A. Not always.

By Mr. SHELDON :

Q. Does one convict ever complain of another one taking his rations? A. Well sometimes; we can't stop to inquire; when we put the meat on the plate we usually put the meat right in the center of the plate and the man has to put the potato right in the middle of the meat otherwise the men will steal it as it goes along.

By Mr. O'BRIEN :

Q. Don't want it either? A. No, I don't know as they do.

Q. Couldn't you keep track of the eggs? A. Yes, sir, pretty well; you see they come a little game over me once; you see we allow each man four eggs, to prevent the men stealing those eggs we put them in the pan and put a plate on top of it; if an egg ain't good the keeper sends it down and we give a good egg for the one sent back; they would crack the egg off the top and put in a little potato and mix the egg in so it would look like a bad egg; they only fooled me once that way.

By Mr. SHELDON :

Q. In the first part of your examination I understood you to say that you used a barrel and a half of coffee? A. I said we used a barrel and a half of crust, fifteen pounds of coffee.

*John J. Mahaney*, sworn and examined, testified as follows :

By Mr. KEYES :

Q. Where do you reside, Mr. Mahaney? A. Sing Sing now.

Q. What is your position there? A. Contractor of the prison.

Q. How long have you been connected with the prison in that capacity? A. About four years.

Q. Were you connected with the prison prior to that? A. Yes, sir.

Q. In what capacity? A. I was keeper and superintendent of the laundry; I was three years keeper and two years superintendent of the laundry, and about four years contractor.

Q. What is your contract? A. Laundry.

Q. And has been for the last four years? A. Yes, sir; not quite four years, but it is nearly four.

Mr. BRUSH.—Mr. Mahaney has been both superintendent and contractor of the laundry, and he can give you the difference between the work then and now. He can also give you testimony as to Campbell, who was discharged for sleeping.

Mr. KEYES.—If I should overlook those things, you call them to my attention.

Q. How many men have you employed on your contract? A. One hundred and thirty-six.

Q. Are there any citizen employees? A. Yes, sir.

Q. In the laundry? A. Yes, sir.

Q. How many? A. Ten.

Q. What are their duties as distinguished from those of the prison-

ers? A. One is watchman, one engineer, one examiner, superintendent, and foremen.

Q. Each convict is assigned to some particular part of the work in the laundry? A. Yes, sir.

Q. And remains at that work exclusively? A. Yes, sir; sometimes we change them.

Q. But, as a rule, they are continued right along? A. Yes, sir; as a rule.

Q. Some parts of the work are severe and some comparatively light, are they? A. Yes, sir; there is a difference in the work.

Q. Have you, as a contractor, the power to choose as to what convicts shall be assigned to the laundry? A. No, sir.

Q. Have you any thing to say in reference to that matter, or does it lie wholly in the discretion of others? A. It lies in the discretion of the warden and principal keeper. If he assigns me a man that is not capable of doing the work, he is taken off the contract.

Q. The men when assigned to you are placed at the particular kind of work by yourself, are they? A. Yes, sir.

Q. And you have the disposition of the men, and the warden and principal keeper have nothing to do about it? A. In the shop?

Q. In the shop. A. No, sir.

Q. Are they consulted as to the placing of the men at the particular kind of work which they are required to do? A. No, sir; if I have a man at work and I find he can't do that kind of work I always tell the principal keeper I am going to change him; for instance, if I have a man on the ironing floor and the work is too hard for him, or he can't do it, I say to the principal keeper I will put him, at some other kind of work, if I haven't a place for him he is taken off the contract.

Q. Do any convicts, as far as you know, ever complain at being assigned to the laundry contract? A. Yes, sir, some of them complain.

Q. On what ground? A. On general principles, they don't like the work.

Q. Do they express any preference? A. No, sir, unless a man has a chum in the foundry or some other place we sometimes change them, or if he is better adapted; sometimes we find a man that is used to shoemaking, he is placed at shoemaking.

Q. Have you a man named Hope, a convict? A. Yes, sir.

Q. How long has he been with you? A. Ever since he has been in the prison, I think about a year.

Q. How old a man is he? A. I should think about twenty-five, somewhere between twenty and thirty.

Q. What is his physical condition? A. Good so far as I know.

Q. As to size and strength how does he compare with other convicts? A. Well, he will average better than most of them, a man that weighs about one hundred and seventy-five pounds.

Q. Was he assigned to your department when he first came to Sing Sing? A. Yes, sir, I think he was.

Q. And you placed him at work on your contract? A. Yes, sir.

Q. And what part of the business? A. In the packing-room.

Q. In the packing-room? A. Yes.

Q. Was there any special reason for assigning him to that kind of work? A. Yes, sir.

Q. What were the reasons? A. That he was better adapted to that kind of work.

Q. And why? A. He is a man of some education and it requires a man in the packing-room of some intelligence.

Q. And do you find that he performs the work satisfactorily? A. Yes, sir.

Q. Is his position a laborious one? A. It is not hard work, it is steady work.

Q. But does it require constant attention? A. Yes, sir.

Q. And accuracy? A. Yes, sir; that is what fits him for the position, we have very many different kinds of shirts, one hundred and forty to one hundred and fifty different kinds or grades, and in packing we have to depend upon the packer for the different kinds and quantities.

Q. What has been his state of health since he has been in your employ? A. Very good.

Q. And so at present? A. Yes, sir.

Q. Have you a man by the name of Kelly there, called Billy Kelly? A. Yes, sir.

Q. In your department? A. Yes, sir.

Q. How long has he been with you? A. I don't know how long he has been with me, I guess it is about two years, I think about a year. Oh, yes, he has been with me longer than that — oh, yes, he has been with me two years — three years.

Q. Was he assigned to you when he first came to the prison? A. No, sir, I think not.

Q. Transferred? A. Transferred, yes, sir — the former keeper transferred him I don't know where from.

Q. Was any reason assigned for transferring him? A. No, sir, not that I know of.

Q. What work was he assigned in your contract? A. Sorting shirts in the dampening-room.

Q. Has he been there ever since? A. I think I took him out for about two months.

Q. Do you know for what offense he was convicted? A. No, sir, only what I have heard; I never heard him say any thing about it.

Q. Was it, in your judgment, a matter of special favor to Kelly that he was assigned to that department? A. No, sir.

Q. Had you any knowledge of any special reason why he was assigned to that contract? A. No, sir, not when he was transferred there.

Q. Did you afterward? A. No, sir; the keeper simply said to me he had a man he was going to transfer; I don't know as he told me why.

Q. How old a man is Kelly? A. I don't know; I should think between forty and fifty.

Q. In good physical condition? A. Yes, sir, apparently.

Q. Stands his work well? A. Yes, sir.

Q. Performs it well? A. Yes, sir.

Q. Is he orderly? A. Yes, sir, one of the most orderly men we have in the prison.

Q. When does his time expire? A. I can't tell you, sir.

Q. Are the prisoners employed upon your contract compelled to do



any work upon Sunday? A. No, sir, not by my orders nor by my employees.

Q. Are there any parts of the work in the laundry department that need to be done on Sunday? A. No, sir.

Q. Or that would be done on Sunday outside by citizens? A. No, sir; sometimes we have a breakdown for an hour or two after the prison closes; I don't think I have had the men at work on Sunday; in the summer time my men usually go to the shop; it is roomy and airy; they sometimes ask in hot weather to give them their shirts to dampen, as a favor to them.

Q. It has never been done at your request? A. No, sir.

Q. And could it have been done at the request of any of your subordinates connected with your contract? A. No, sir.

Q. Without your knowledge? A. No, sir.

Q. Have you ever heard of its being done by your subordinates? A. Only as I have told you about the dampening of the shirts, and that was done as an especial favor to the men.

Q. At their request? A. Yes, sir.

Q. How long would that occupy ordinarily? A. Oh, about half an hour.

Q. And what was the special reason for doing it? A. When they go out Monday morning the men don't usually feel so much like work; it would add as much to their work on Monday.

Q. Would their work be diminished by so much on Monday? A. Yes, sir.

Q. Do they have their same tasks on Monday? A. Yes, sir.

Q. And they have their allotted tasks on Monday? A. Yes, sir.

Q. And that includes the dampening of the shirts? A. Yes, sir.

Q. Was Mr. E. R. Campbell a keeper in the prison formerly, to your knowledge? A. Yes, sir.

Q. And had charge of a gang in the laundry? A. Yes, sir, in one department.

Q. In what department? A. In what we call the starch-room.

Q. During what period was Mr. Campbell so employed? A. I think it was in last April or May; I think May and June. I have a little memorandum.

Q. If you can refresh your recollection by it— A. I think he went out about the 5th or 6th of June. I don't think he was there over a week.

Q. Only a month in your shop? A. About that, yes, sir; he demoralized so much in that time that I had to request to have him taken out.

Q. Please tell particularly the ground of complaint you had against Mr. Campbell? A. One of the complaints was that if the superintendent went to a man and said, "your work was bad yesterday, you will have to do better work to-day," when he would go away Mr. Campbell would say, "that son of a bitch ought to be thrown down stairs;" another point was, he was arguing politics with them and arguing religious questions—he would say that "God damned Papish priest;" another point was he would go to sleep—I went through there once and he never saw me.

Q. Did you see him? A. Yes, sir.



Q. What was he doing? A. Sat down, sleeping.

Q. Did that often happen? A. My superintendent often complained of it; said he timed him once and that he slept twenty minutes.

Q. As to profanity — do you know Campbell's habits as to that? A. No, sir; only what I heard myself. I heard him once say in the yard, "he'd be God damned if he was a convict if he would do any work in the prison."

Q. Was that in the presence of the convicts? A. No, sir; I have heard the convicts say it.

Q. You heard it yourself? A. Yes, sir.

Q. Do I understand you to say that his influence among the convicts was prejudicial to the order and discipline of the prison? A. Yes, sir.

Q. In what way? A. Taking sides with the convicts. They presume upon the authorities if they have a keeper at their backs; I am positive I have not had a punishment since he left; I ran the shop two weeks without a keeper after he left; I didn't ask for him in there; they didn't have any other place to put him; he had been turned out of the shoe-shop and I don't know but out of the foundry; there are only a few men there; only sixteen or seventeen men there.

Q. Is it common for you to express a preference to have this or that keeper, assigned to your department? A. No, sir.

Q. Is it customary so far as you know to influence the appointment of keepers to their different companies? A. No, sir; not that I know of; I have had keepers in my shop and I have said to the principal keeper or warden that they were prejudicial to good order or discipline.

Q. To your knowledge was there any Sunday work done in connection with your department while Campbell was keeper? A. No, sir.

Q. Might there not have been some of the work you spoke of in the dampening-room? A. No, sir; except dampening and he would have nothing to do with that.

Q. Would his duties require him to be in the starch-room Sundays? A. If his company was there.

Q. Was it customary to take them there Sundays? A. Yes, sir.

Q. For what purpose? A. They take them to the shops — they are airy and roomy.

Q. And it would be Mr. Campbell's duty to be present with his company in the starch-room while they are there? A. Yes, sir; there is no work to be done in my department on Sunday; they might remove a stove; that would be State work, but I don't have anything to do with it.

Q. If there had been work done in the dampening-room, as you say was done there, would Campbell be in a position to see and know what was going on? A. Yes, sir — not in the dampening-room — the dampening-room was where the shirts are assorted; the dampening-room was on the same floor as the starch-room, and he had charge of the whole floor.

Q. And might there not have been work going on in the dampening-room or portion of the shop where the dampening was done, while Mr. Campbell was on duty? A. No, sir, it couldn't have been, because it was not done.

Q. I understood you to say there was work done? A. Oh yes, dampening shirts on the ironing floor — oh yes, that was done.

Q. Might not have Mr. Campbell been in a position to see it? A. Yes, sir.

Q. And that might happen on Sundays? A. Yes, sir — in hot weather my men might ask me to let them dampen their shirts, and I would let them do it.

Q. Aside from that, have you any knowledge of any Sunday work being done in connection with your contract? A. No, sir; if there had been I would have known it.

Q. Were you in the habit of being personally present in the prison on Sunday? A. No, sir, not every Sunday.

Q. You are there sometimes? A. Yes, sir — I have a foreman or superintendent there every Sunday.

Q. If any repairs were necessary by the terms of the contract, if the stoves and fixtures necessary to the carrying on of your business, might they not be done on Sunday? A. Done by the State.

Q. Might it not be done on Sunday while Mr. Campbell was there? A. Yes, sir, that has been done.

Q. Have you a convict by the name of Beckwith, employed in the laundry? A. Yes, sir.

Q. What is his first name? A. Charles.

Q. Charles Beckwith; how long has he been with you? A. For about five years, I think.

Q. Do you know for what offense? A. Hearsay, that is all — embezzlement from B. T. Babbitt.

Q. Do you know what his employment was before he came to Sing Sing? A. Only what I have heard — book-keeper.

Q. He was a book-keeper before he came there? A. Yes, sir.

Q. For Babbitt, the soap man? A. Yes, sir.

Q. What position does he occupy in the laundry now? A. Book-keeper.

Q. For how long? A. Three years.

Q. Do you know when his time expires? A. No, sir, I do not.

Q. Do you find him a competent book-keeper? A. Yes, sir, one of the most expert book-keepers I ever saw.

Q. Have any knowledge as to whether this prisoner has any interest in the laundry contract? A. I have a knowledge that he has not.

Q. If he had would you be likely to know it? A. Yes, sir — for three years no man had any interest in that contract but myself.

Q. You were the sole proprietor? A. Yes, sir, until the first day of last December — I have a partner now.

Q. Has any suggestion or proposition of any kind ever been made to you that Beckwith should have an interest in that business? A. No, sir — no man ever said a word for or against him — I have heard some things said against him — he was on the ironing floor, he was too small, I went on the floor and asked the keeper for a man to do packing — he said, "there is a man too small to be ironer."

Q. How old is he? A. I couldn't tell from his looks; how old should you say, Mr. Dickey?

Mr. DICKEY — About fifty.

WITNESS — Yes; I should think about fifty; the keeper said:

“There is a man who will be a good packer,” and I put him at packing; there was some question raised about him and I put him back.

By Mr. KEYES :

Q. What inquiry was made about it? A. The warden said he heard there was some trouble about his being transferred to the packing-room; he said that there was a charge that money had been paid to get him there, and I sent him back to the ironing-room; Mr. Dickey came to me afterward and asked me if I had a man that would be a competent book-keeper and I said yes, there is a man, and he took him and I think he was in his contract about a year.

Q. Have you heard a report that Beckwith was interested in the laundry contract? A. Yes, sir; I have heard it as emanating from Campbell.

Q. When did you first hear it? A. Oh, a year ago; I don't know but what it was two years ago.

Q. Do you know whether Beckwith has any money of his own? A. No, sir; I do not; I don't think there is any man in that prison that knows whether he has or not, not from him.

Q. You know he has no money invested in that contract do you? A. Yes, sir; that I know; that he has not.

Q. And has no promise or assurance of any? A. No, sir; none whatever; I furnish all the money it requires; it don't require much; it would be very foolish to divide the profits.

Q. Do you find that the work in the laundry department proves exhausting or severe to the prisoners and that they break down under it? A. No, sir; no more than other work.

Q. Are the keepers required to do any part of the work in your laundry? A. No, sir.

Q. Do they perform any part of it actually? A. No, sir.

Q. Every thing about your business is done either by the prisoners or by citizen employees? A. Yes, sir.

Q. That are employed by you? A. Yes, sir.

Q. If you find a convict failing in his tasks what course do you pursue? A. I report it to his keeper if I think he is capable of performing his task.

Q. Certain tasks are performed by each convict? A. Yes, sir.

Q. Give us an idea of the amount of work required of the convicts in the ironing department for instance? A. Twenty-six shirts are required each day; if he is assigned to the ironing department five or six shirts are assigned to him if he can do them all right; no task is assigned to him until he is there four weeks; after he has been there four weeks he has twelve shirts, then he is raised two shirts a week until he gets up to twenty-six shirts. Under the old system they used to give thirty-six shirts every day, now the task is twenty-six.

Q. If a convict completes his task by three o'clock in the afternoon how does he spend the rest of his time? A. Sits at his table.

Q. Is it customary for convicts after they have finished their tasks to do other work? A. No, sir.

Q. That is never done? A. No, sir; if they have done their tasks, for instance, we have men that get through their tasks by eleven

o'clock; sometimes we have a man say that he would like to do some shirts extra and have them put to his credit.

Q. But they never exceed the average of twenty-six shirts a day?

A. No, sir.

Q. That has never happened during your administration? A. There was a time when they used to do other work.

Q. Not under this present contract system? A. No, sir.

Q. If a prisoner is disorderly, or fails to perform his task, I understand you report him to the principal keeper? A. No, sir, the keeper, always the keeper.

Q. And what is done in such a case? A. I don't know what is done with them, sometimes there isn't any thing, for instance I have a list, if a man is short I always consult the keeper and ask him why that man is short, and if he has some good excuse it is overlooked and he makes it up at some other time.

Q. Have you any knowledge of the custom of drafting prisoners from Sing Sing prison to any other State prison? A. No, sir, I haven't any.

Q. Has that occurred under your observation? A. They have been drafted.

Q. Do you remember any particular instance, and the reason of it? A. Not since I have been an officer; I don't have any thing to do with that.

Q. Not within the last four years? A. No, sir.

Q. Have you any knowledge of the punishments inflicted upon convicts? A. Only what I hear.

Q. No personal knowledge? A. No personal knowledge, no, sir.

Q. Have you ever suggested to the keeper the infliction of punishment? A. No, sir.

Q. Have you any knowledge of any interference on the part of contractors, or their agents, in the matter of punishing prisoners? A. The only interference I know of is that I have interfered to save a man.

Q. How? A. I have had a man getting short on his work and I have reported him to the keeper, and after a certain length of time he reports him to the principal keeper for punishment. Sometimes I say "let him go, we will give him another trial."

Q. You mean to say you have interfered to save a prisoner from punishment when under the rules of the prison he might be punished? A. Yes, sir; for instance, when a man goes to the hospital and does not get a ticket, and the keeper says he is not fit to work, the principal keeper has nothing to do but to put him in the dark cell, and I often interfere to prevent a man being punished when I know he is not fit to do his work.

Q. Was the contract system in vogue when you first went to the prison? A. Yes, sir; not so extensively, they had three or four hundred men employed.

Q. What, in your judgment, is the effect of the contract system upon the discipline of the prison? A. I think it has a good effect.

Q. Are the convicts worked any more severely now than they were five years ago? A. The work is not as severe on my contract, I don't know how it is with the rest.

Q. How many hours are they worked? A. On an average eight, eight and a half probably.

Q. If a convict fails in health and becomes unable to work, is that your loss? A. Yes, sir, if he is not taken off the contract; if a man fails and the doctor for a day or two gives him a ticket.

Q. And that is your loss? A. No, sir, I don't pay for them when he has a ticket; when he is excused by the doctor I don't pay for them.

Q. Unless excused by the doctor the prisoner is kept at his work? A. Sometimes; I have two men to-day, they were not excused by the doctor, and I put them on the ironing floor where I can get them off the floor so they can sit about.

Q. Such exchange was — A. Beneficial to the convict.

Q. And a loss to you? A. A loss to me, yes, sir.

Q. Do you know any thing of the performance of work on Sunday in any other part of the prison besides the laundry? A. No, sir.

Q. Have you had opportunities to observe the work of the different men, on the other contracts? A. Yes, sir; I often times go through the shops.

Q. Do I understand you to say generally, that the convicts are not worked as severely now as they were five years ago? A. Yes; they are on the contracts.

Q. They are not worked as many hours? A. I think the hours are the same.

Q. But the tasks are not as heavy? A. The tasks are not as heavy — the system is different and the discipline is easier — it is not as difficult for the men to do their work now as then — I can't say why — I heard a convict say the other day: "it is different now, boss, than it was nine years ago." He was a cabinet worker then and I was a keeper there.

Q. Is this change owing to a change in the management? A. A change in the food and management and general treatment of the men.

Mr. KEYES — Have you any questions, Mr. Brush?

Mr. BRUSH — Those two last (handing Mr. Keyes a paper).

Mr. KEYES — Well, that first is already covered, I guess.

By Mr. KEYES :

Q. Do the keepers keep an account of the work performed by the convicts in your department? A. No, sir.

Q. Has it ever been done? A. Yes, sir.

Q. How long since? A. Four years ago — before I took the contract.

Q. Have you any knowledge of its being done within the last four years? A. No, sir; I have men for that purpose.

Q. Can you put upon any convict any more work than properly belongs to him under the rules of the prison? A. No, sir.

Q. You are limited? A. Yes, sir; without consulting the warden or principal keeper.

Q. The tasks are fixed then not by the contractor but by the warden? A. Warden and principal keeper.

Q. The number of shirts that a prisoner must iron is determined by the prison authorities? A. Yes, sir; that I can't exceed so many — that is less than it used to be.

Q. If you were to put extra work on a convict, requiring him to

iron thirty shirts a day, are the regulations such that the keeper would be able to discover it? A. Yes, sir.

Q. How does the keeper ascertain whether a convict is over-worked or not? A. He can tell by his general way of work whether he is over-worked.

Q. Has he access to your books? A. Yes, sir; we give him a list of how much a man has to do — twenty or twenty-two or twenty-six shirts.

Q. And do your books show the amount of work each convict is compelled to do? A. Yes, sir.

Q. And the keeper has access to your books for the purpose of ascertaining the amount done by each convict? A. Yes, sir; I give him a statement every morning — he has a list and knows how much a man is doing — on Tuesday he is raised — if I should raise a man any other day the keeper would know it — if a man is short I always send him a list of the number he is short — sometimes a convict asks to be excused one or two shirts — we always send the keeper a list that that man has done — so many shirts and that he was excused so many — and that completes his task.

Q. Do you know anything of the *Herald* article, the article that appeared in the New York *Herald* on February 23d last? A. No, sir; I can't say that I do, I heard of it of course.

Q. Do you know of the fact of that article or of any other writing being prepared in the prison for publication going to show the condition of things in the prison? A. I have heard, I have no personal knowledge.

Q. No personal knowledge? A. No, sir, only what I heard.

Q. Is there a convict in your department by the name of Michael McCormick? A. No, sir; I don't think there is, not to my knowledge, I had a McCormick some time ago, I don't know what his name is it was so long ago.

Q. Did you read the *Herald* article? A. Yes, sir.

Q. Are any of the convicts named in that article employed on your contract? A. The article of February twenty-third?

Q. Yes? A. I think not, the article since I think did, the article written by X, the one that published the article signed X.

By Mr. O'BRIEN :

Q. Do you know who it is? A. Yes, sir.

Q. What is his name? A. I think Dominic Callorin.

Q. He is not there now? A. No, sir, I think not, he is discharged.

By Mr. KEYES :

Q. He is not in there now? A. He is not in there now.

Q. Where is he now? A. I don't know.

Q. Do you pay any rent for the shops used in your business in the prison? A. No, sir.

Q. Is the rent of the shop taken into account in the contract which you make with the State? A. Yes, sir.

Q. What are the elements of that contract? A. The contract is that



I shall pay sixty cents a day for the men in my department and that the State is to furnish me a building.

Q. That is part of the contract? A. Yes, sir.

Q. You have a contract? A. Yes, sir; the comptroller has a copy of it, I pay for all the water I use.

Q. Pay the State? A. Yes, sir.

Q. What is the contract price for labor under your contract? A. Sixty cents a day.

Q. Have you had experience as a laundry contractor outside of the prison? A. No, sir.

Q. Are you acquainted to any extent with the business outside of the prison? A. Yes, sir.

Q. Do you know what is paid for labor outside? A. Yes, sir.

Q. At the present time what is the average price per day for labor in other laundries? A. The work done outside is done by the piece that is ironing is all done by the piece.

Q. Do you know how many shirts men in outside establishments are accustomed to iron per day? A. Yes, sir.

Q. What is the average? A. Really I couldn't — the average — I know of men doing as high as six dozen a day outside.

Q. Six dozen? A. Yes, sir, of the kind required in my establishment to do twenty-six.

Q. Do you know what they are paid per shirt? A. All the way from two and a half to six cents per shirt.

Q. According to quality? A. Yes, sir.

Q. How many shirts would an expert ironer iron per day? A. I could only base my reply by seeing my men and their doing the same work outside, I know they have done four dozen, forty-eight.

Q. Worth six cents apiece? A. Worth five — five or six cents.

Q. So that in other outside establishments a man might make from two dollars to two dollars and a half per day? A. Yes, sir.

Q. And about the same for ironing shirts of an inferior quality? A. No, sir, they can't make so much ironing shirts of an inferior quality.

Q. Do you laundry the finest quality shirts? A. No, sir.

Q. What grade do you laundry? A. What would be called outside second rate — what is called stock work.

Q. And what would be paid outside for such work? A. The class I do?

Q. Yes. A. From two and a half to five cents I should think.

Q. And about how many of those would be laundried by an average workman outside? A. They average over three dozen a day — I can only tell what I saw — I saw an ex-convict's book where he worked seven months, and averaged twenty-one dozen a week.

Q. Was it work upon the kind of shirts you laundried in the prison? A. Yes, sir, some better perhaps. There is a place in Jersey where about eighty convicts are employed, and they average more of them less than two dollars a day. I think Mr. Nevins in New York considered the best work in this State employs thirty-five girls — he says the least he gives is thirty-five shirts a day.

Q. Do you know what he pays? A. No, sir, I do not.

Q. What are the usual hours of work in laundry establishments outside of the prison? A. Really I don't know.



Q. Ten hours a day? A. I should think so.

Q. The work is done in the laundry establishment — it is not taken to the home of the laundrymen? A. No, sir.

Q. And the hours of work are supposed to be regular? A. Yes, sir, I know of the Bellville laundry where they employ Chinese — I think they work ten hours.

Q. And the actual hours of work for the prisoners at Sing Sing are how many? A. Eight and a half I think. — in the summer time they open at six o'clock, and is open twelve hours; then the meal times are out.

Q. Have you any means of judging of the relative value of prison labor as compared with outside labor upon the same kinds of work?

A. As to the price or —

Q. Yes. A. Yes, sir I have.

Q. Well please state what in your judgment is the difference, if any, between prison labor and outside labor? A. Outside labor is the cheapest in my business.

Q. Even with the rent of the shops thrown in? A. Yes, sir.

Q. How will you make that appear? A. Because I can't compete with outside laundries in doing the work for the same price; the same grades of work they do cheaper than I do; the only benefit I have is getting the work of large laundries; in this Bellville laundry they employ Chinese, and they have a strike and don't work holidays — they don't depend on them always.

Q. You have no danger of strikes? A. No, sir; there used to be under the old system.

Q. No allowance is made in your contract with the State for imperfect work done by the convicts? A. No, sir, I have to pay full price from the time they come on my contract, no matter whether they do twenty or twenty-six shirts.

Q. If the convicts work as many hours as they do the citizens outside, what would be the relative value of the labor of the convict as compared with the honest laborer? A. If they worked as many hours?

Q. Yes; on the same kind of work? A. Really I can't tell you, because my work is done by the day; the work outside is done by the piece.

Q. You don't know of any establishment where men are hired by the day in outside laundries? A. No, sir, except in washing.

Q. Are you responsible for repairs to the fixtures in the shop? A. Yes; not to the building.

Q. Only the fixtures? A. Only the fixtures.

Q. They are repairs made at your expense? A. Yes, sir.

Q. And would it not be for your interest in case of repairs to the buildings and other fixtures; would it not be to your interest to have it done on Sunday? A. No, sir; there is no accident upon the stoves that would require to be done on Sunday; my stoves are in sections so that they can be repaired at night; the stove work that was mentioned some time ago was repairs to the floors; the brick work.

Q. Do I understand you to say that you find it difficult to compete with citizen labor on the same kind of work? A. Yes, sir I do.

Q. Does your business require the investment of any considerable amount of capital? A. Not a great deal, no, sir.

Q. The State furnishes the shop and all the fixtures ? A. No, sir.

Q. Only the shop ? A. The shop ; part of the fixtures belong to the State ; there was a contractor there, he failed and the State bid in the fixtures and the State run it for two years.

Q. Do you know what the results of that two years' work were ? A. No, sir.

Q. Financially ? A. No, sir ; I can't tell it now.

Q. Have you any means of judging whether the laundry was run with as profitable work by the State as it is now ? A. No, sir ; I had to do as they said.

Q. You were then superintendent ? A. Yes, sir.

Q. Of the work of the laundry ? A. Of the work of the laundry ; yes, sir.

Q. Employed by the State ? A. Yes.

Q. Under your present contract I understand you the fixtures that were already in the laundry were allowed you ? A. Yes, sir, part of them ; part of them I had replaced with different machinery or fixtures ; under the State system of running the laundry we used to get thirty or thirty-six shirts and it didn't pay as well as it does now and they had from fifty, to sixty more punishments than we do now ; didn't get as good work, the men were not as well fed or something about it ; I have known under the State working something over a hundred dozen shirts a day come back into the wash rejected ; it is a rare thing now to have ten dozen come back, go back into the wash.

Q. How did you obtain the contract for the laundry work ? A. Making a bid for it to the superintendent.

Q. And the matter was put out to the highest bidder ? A. Yes, sir.

Q. Were there other bidders ? A. Yes, sir, half a dozen.

Q. Do you know what their bid were ? A. Some forty and forty-five ; I don't know what the highest bid was, sometime before I said to the warden or superintendent I don't know who it was, that I couldn't run the laundry any longer under that system that I had an offer outside, and that unless I had a different system I couldn't run it ; that I couldn't run it satisfactory to my customers — the men were paying fifty or sixty cents a day, I said I will pay sixty cents for those men and I will give them less hours of work.

Q. Did you put in sealed bids ? A. No, sir.

Q. How were they made ? A. By different parties ; the man from Bellville came there and offered forty cents a day ; forty-five cents I think ; another man came there and offered forty cents a day ; when I took the contract Superintendent Pilsbury told me he had an offer of fifty cents a day.

Q. Did the State advertise for contracts ? A. No, sir.

Q. Through whom did you apply ? A. Warden Davis.

Q. The warden has the power to make the contracts ? A. With the approval of the superintendent.

Q. Did you file bonds ? A. Yes, sir.

To what amount ? A. I think under the old system ten thousand ; five thousand deposited with the comptroller.

Q. You made that deposit ? A. Yes, sir.

C. How long does that contract run ? A. My present contract — five years from the last day of December ; my old contract expired the first of last December ; I renewed it.

By Mr. CLAPP:

Q. Same bonds? A. No, sir.

Q. Same amount? A. Same amount deposited with the comptroller.

By Mr. KEYES:

Q. Do I understand you to say that you entered into that contract without competition in the first instance? A. No, sir.

Q. There was competition in both instances? A. Yes, sir, three different parties.

Q. Your last contract was made with Warden Brush, was it? A. Yes, sir.

Q. Approved by Superintendent — ? A. Pilsbury.

Q. Pilsbury, was it? A. Yes; Superintendent Pilsbury authorized Mr. Brush to make a contract with me.

Mr. KEYES — Do the committee wish to ask any questions?

By Mr. CLAPP:

Q. The people own some of the machinery in the laundry? A. Yes, sir.

Q. Do you pay any rental for that portion of it? A. No, sir.

Q. Do you furnish your own fuel and lights? A. Yes, sir.

Q. Has any request ever been made to you to favor any convict by giving him easy work? A. Yes, I think there has been.

Q. By whom? A. By members of the legislature.

Q. By any officer of the present legislature? A. No, sir.

Q. Will you name that member of the legislature that made that request? A. Is it necessary that I should?

Q. I think it is due to the legislature that you should; was it a member of the present legislature? A. I think it was, yes, sir.

Mr. CLAPP — You having given that answer, we naturally call for the answer to the question; the Chairman may do as he chooses.

Mr. O'BRIEN — I think it might be well to answer that question because it might implicate some of the committee.

WITNESS — No, it does not implicate any of the committee; there are only two members of the committee that I am acquainted with, and that is the Chairman and Mr. Raines, and they certainly have never asked me.

Mr. CLAPP — The public might want to know.

Mr. O'BRIEN — I don't see any harm in answering.

WITNESS — I think there would be.

Mr. O'BRIEN — What do you think Mr. Keyes; do you think it necessary to get the name of that member?

Mr. KEYES — I will leave that to the chairman to decide.

By Mr. KEYES:

Q. I will ask this — was any proposition made to you by any one to secure an easy place for the prisoner Beckwith? A. No, sir; I can say for Beckwith, Hope, Kelly — neither of those men — there has been no one to ask me to give a man an easy place; I don't think I ever gave a man an easy place.

Q. How many occasions have requests been made to you to favor prisoners? A. Two or three instances.

Q. In each instance were they by a member of the legislature? A. Yes, sir.

Q. How long since? A. Some of them a year ago.

Q. Any since that? A. I think there was a man asked me if a certain man was on my contract, and I told him he was, and he asked me where he was, and I told him.

Q. Has any member within the last year asked you to favor any particular convict? A. I don't think he asked me to favor him; he asked me about a certain man, and asked me how he was getting along.

Q. Is there more than one instance where a member of the legislature requested you to favor any man on your contract? A. Yes, sir, I think within the last year.

Q. Or within the last two months? A. No, sir, not to favor any convict.

Q. Or within the last six months? A. No, sir.

Mr. KEYES — I leave it to the Chair to decide whether the question shall be pressed.

Mr. O'BRIEN — He says there has been none within the last six months so it cannot be any of the present legislature.

By Mr. KEYES :

Q. Will you state what the name of the convict was for whom the inquiry was made? A. I can't tell you who the convict was last year; I think the one this year was made through the superintendent.

Q. Not through a member of the legislature directly? A. No, sir.

Q. Was the name of the legislator mentioned to you? A. I think it was, I can't tell you.

Q. Can you fix the time when the request was made? A. You mean this year?

Q. Yes? A. No; I think it was a month ago or more.

Q. Since the first of January? A. I think it was.

Q. Can you state the name of the convict for whom it was asked?

A. He wanted to know how the convict was getting along. The superintendent asked me if I had such a man in my contract and I told him no, he said there was a certain member of the legislature wanted to know how he was getting along.

Q. Was any request made to you? A. He wanted me to see if he was getting along all right.

Mr. CLAPP — Mr. Chairman my question was "Has any request ever been made to you to favor any convict by giving him easy work," his answer was direct, "Yes": "By whom" the next question; his answer: "By a member of the legislature." Now he says the last request of that kind was since the first of January.

By Mr. KELLY :

Q. Was you ever requested by any one else to give a convict an easy task? A. Yes, sir, I was at several times but not as a particular favor; I am often asked to give a man different kind of work but I understood his question any particular favor; I often have the principal keeper say I wish you would put a man at such a place.

Mr. KEYES — I understood the witness to answer that the last request of that kind was more than six months ago.

Mr. CLAPP — I simply want to know whether he wants to qualify his answer as to whether any one ever requested him to favor any convict by giving him easy work.

WITNESS — I told you yes.

Mr. CLAPP — My next question was "who made the request?" his answer was, "a member of the legislature." I want to know whether he wants to qualify that.

WITNESS — You wanted to know by whom and I told you a member of the legislature.

Mr. SHELDON — I think it is a very natural thing to do, for a member of the legislature if he had a friend in the prison might do it without any reflection upon the legislature. I don't hardly think it would be necessary to have the question answered.

Mr. O'BRIEN — I don't see any harm in having him answer it.

Mr. SHELDON — I don't see any necessity for it.

Mr. KEYES — To shorten the time we might ascertain whether it is important or not.

Q. When did this occur? A. I answered about a year ago that I was asked.

Q. About a year ago this time? A. Yes, sir.

Q. You were then asked directly in person by the member of the legislature? A. Yes, sir.

Q. Not through a third person? A. No, sir.

Q. Have you since that been approached by a member of the legislature? A. To favor such a man?

Q. Yes. A. No, sir; I have had them ask me about a certain man, if he was on my contract.

Q. But the instance you referred to, was it a member of the legislature of 1881 who asked you to favor a prisoner who was on your contract? A. Yes, sir.

Q. Can you state who that prisoner was? A. I forget his name, now.

Q. Is he on your contract, now? A. No, sir.

Q. Discharged? A. No, sir.

Q. Removed? A. Yes, sir; I don't think he was on my contract, I think he was in the foundry. I think he was a foreman in some of the machine shops, one of them was.

Q. What was the request? A. Asking if such a man was on my contract, and if I could do something for him or give him light work.

Q. Did you do any thing in consequence of that? A. No, sir.

Q. Make any change? A. No, sir; I did not.

Q. Was any consideration offered you to bring it about? A. No, sir; no man ever offered me any consideration for doing any thing for a convict.

Q. No way, shape or manner? A. No, sir; nor has a convict ever offered me any thing.

Mr. KEYES — I am rather inclined to think, Mr. Chairman, that it would be better to have that question answered. I will leave that to the rest of the committee.

By Mr. KELLY :

Q. This man, was he a delicate fellow? A. I don't know what he is.

Mr. CLAPP— Seems to me, it would be well to have the question answered, after having on the record the question and the answer, and considering the nature of the answer, it seems to me it is advisable to have the question answered.

Mr. HIGGINS — I don't think it is necessary to have the man's name mentioned.

WITNESS — It is no member of the present committee, and I don't know that it is a member of the present legislature. I understood him to ask if it was a member of the present legislature.

Mr. KEYES — You don't know whether it is a member of the present legislature, or not? A. No, sir.

Mr. O'BRIEN — Were you asked by Mr. Pilsbury? A. He asked me if there was such a man on my contract, and I said, no. He simply told me that there was a member of the legislature who wanted to know how he was getting along.

Q. Did Mr. Pilsbury mention the member's name? A. No, sir.

Q. Was there a member that asked you before that? A. A year ago.

Q. Did the superintendent tell you the name of the member? A. No, sir.

By Mr. KEYES :

Q. The instance that Mr. Clapp's question refers to was a year ago? A. I couldn't tell you who it was; I meet members of the legislature every day, and I don't remember their names.

Q. Do you remember this member's name? A. No, sir.

Q. Was he introduced to you? A. No, sir.

By Mr. CLAPP :

Q. If you don't remember the name, why did you ask the question whether you were obliged to answer? A. I didn't know ———.

Mr. CLAPP — All I have to say in this matter is, that an imputation has been thrown upon the members of the present legislature, but he says, now, he can't give the name, because he don't know it.

Mr. O'BRIEN — You say you have a superintendent, or foreman, that goes to the prison every Sunday? A. Yes, sir; one, or both.

Q. Why do they go there; have they any business there on Sunday? A. No, sir.

Q. Do they go there to look after the men? A. No, sir; to look after the shops — to see that every thing is all right in the shops.

By Mr. KEYES :

Q. Do you know, when the men are assigned to your contract, their term of sentence, how long a term? A. Usually; yes, sir.

Q. Do you have a preference for long term men, rather than short term men on your contract? A. No; I haven't any.

Q. Would a man of long term of service be more valuable than a



man that had a short term ? A. A man that had five years would be better than a man that had one year. But over five years I have no preference.

Q. Have you any voice in the selection of the men assigned to you ? A. No, sir ; they are selected for their fitness for the kind of work. I sometimes say to the keeper, I would like a man for the ironing room, or something like that.

Q. Do the men find it difficult to accomplish their tasks in many cases ? A. Some men that we have do better than others.

Q. And if after proper time they fail to do their tasks are they taken off ? A. Taken off the contract — yes, sir.

Q. At your request ? A. Yes, sir.

Mr. KEYES — I was going to ask one or two questions — you have a partner in this laundry contract ? A. Yes, sir.

Q. What is his name ? A. Joseph Stern.

Q. When did he become your partner ? A. The first day of last December.

Q. Had he been connected with the prison before ? A. He had since last April. He used to work for me in New York.

Q. Had he any acquaintance with the convict, Beckwith, before he came to the prison ? A. No, sir ; never knew him — never had any acquaintance with any convict in the prison.

Q. You are not aware of any private interest between your partner and the convict, Beckwith ? A. I am positive that there is nothing of the kind. He never knew Beckwith or saw him until he saw him on the contract. That is one of the most absurd statements that ever got out. He is one of the most orderly convicts in the prison.

Mr. BRUSH — He was there just where he is now when I took the position — when I came there ? A. Yes, sir.

Mr. SHELDON — Mr. Chairman, I believe there is one allegation that this gentleman's testimony has not touched upon — that is with reference to the change of shirts of the convicts — that is whether he has ever known of their having gone five or six weeks without a change of shirts ? A. I have nothing to do with any thing of that kind.

Q. Do you know that they have gone an excessive length of time without a change ? A. No, sir.

*Mr. Fury, recalled :*

Mr. KEYES — If you desire to make any addition to your testimony, or any corrections to statements made, you may do so. A. You asked me if the convicts for any reason had complained of their food since Mr. Brush has been there. There was twice we had sour bread. It was unavoidable — that they complained about — and speaking about the duties of Coburn-Sundays — when we get locked up we have to leave a certain number of men in the mess-room, to clean up and prepare for the next day. On Sundays after we lock up I am not there — a relief officer takes my place — and after I leave it is necessary that I should have some one in there, that I have confidence in. That is one of Coburn's duties — to see that the men do their work properly, and report it in the office. And Dean in the kitchen has the same supervision in his department. And another of Coburn's duties is to help carry the coffee to the female prison — that is the old



prison where we have about eighty convicts — short time men that sleep there — you know where it is.

Q. It is the old female prison on the hill? A. Yes; and very frequently — I forgot to mention it — we very frequently use cheese for Sunday dinner — we cut a pound of cheese into three rations — that is given in the place of rice, or some of the other things that we give. And another thing in warm weather, we are very particular about our meat; every piece is examined carefully before it is put in the boiler, and if any piece is the least bit turned it is thrown out and after it comes out of the boiler it is examined again. The men who cut the meat have my orders to examine it, and if they find any meat that is not good, it is thrown out, and we have instructions from Warden Brush that if any thing is sent there that is not right, to send it back. We have smoked meat, shoulders, dried beef.

By Mr. KELLY:

Q. About this coffee, what do you call that crust — you use a barrel and a half of crust? A. You know what crust coffee is.

Q. You use fifteen pounds of coffee and a barrel and a half of that? A. Yes, sir.

Q. How much do you make up? A. Four hundred gallons. I always use it myself in summer in preference to water.

By Mr. KEYES:

Q. Out of the same kettle as the convicts? A. Yes, sir; when we gave them tea we used to use twenty to twenty-five pounds of tea.

Mr. BRUSH—I would like to make a statement in regard to the last two articles in the *Herald*.

*Mr. Brush, recalled:*

By Mr. KEYES:

Q. Have you read the article in the the *Herald*, Mr. Brush? A. Yes, sir.

Q. And the article a few days ago? A. Yes, sir.

Q. And the article of Saturday last? A. Yes, sir; and Sunday.

Q. What have you to state about those articles? A. The article signed X. was written by Dominick Collorin, alias Horatio; and the editorial calling attention to it as to the prison management is without any foundation of truth at all. We have worked no quarries since '76 and not a single event narrated has occurred within five years. The paddle described in the *Herald* to-day — I think — is absolutely false — no such instrument is in use nor has been — as described.

Q. Since you became warden? A. Since I became warden.

Q. Does that cover the ground? A. I think so, entirely.

Investigation held open subject to the call of the chair.

At a hearing before said committee at the Capitol at Albany, March 29th, 1882.

Present — Messrs. O'Brien (chairman) Keyes, Sheldon, Kelly, Raines, McDonough, Farrar, Olapp and Higgins.

Meeting called to order by Mr. O'Brien, who resigned the chair to Mr. Keyes, and retired from the meeting.

*Norman H. Blodgett*, being duly sworn and examined, testified as follows:

By Mr. KEYES:

Q. Where do you reside, Mr. Blodgett? A. Batavia, Genesee, county.

Q. What is your business? A. Travelling salesman.

Q. Were you ever connected with the Sing Sing State prison? A. I was for a short time.

Q. At what time and during what period were you connected with the prison? A. Well, I went there in March and came away in July.

Q. Eighteen eighty-one? A. Eighteen eighty.

Q. What duty did you do in the prison? A. Well, I drew pay as a guard and acted as keeper.

Q. You were appointed as guard? A. That paper said keeper.

Q. You received the pay of keeper? A. I received the pay of guard; I was there three days and they put me with a company and I had a company from that time until I came away, except for four or five days.

Q. Let's see if we understand you — you were appointed a keeper? A. Yes, sir.

Q. And you did the duty of a keeper? A. Yes, sir, I did the duty of a keeper.

Q. You say you were appointed keeper and performed the work of a keeper? A. Yes, sir.

Q. Why did you receive only the pay of a guard? A. Because the principal keeper didn't see fit to put my name on the keeper's board.

By Mr. HIGGINS:

Q. If you had drawn the pay of a keeper you would have received \$75 a month, the pay of a guard was \$65? A. Yes, sir; if I had drawn the pay of a keeper I would have received \$75 a month instead of \$65.

By Mr. KEYES:

Q. Didn't you receive your appointment in writing? A. I received my appointment through Mr. Loomis, not direct, only a notice.

Q. Have you the notice? A. I think I have it at home; there are men that acted there as keepers, they told me they had acted as keeper for a year and a year and-a-half and drew only guards' pay.

Mr. RAINES— Let me suggest whether this gentleman knows any thing of the cruelties alleged to have been perpetrated at the prison.

Mr. KEYES — I only dwell upon this because one of the witnesses has spoken about this as one of the evils existing at the prison.

By Mr. KEYES:

Q. If you didn't receive pay as a keeper we want to know why?  
 A. They never gave any reason and I never asked them to put my name on the keepers' board; I know one of the keepers there, one named Kinkham, who lives up by Chautauqua lake, he said he had done keeper's duty nine months before they put him on the keepers' board and drew guard's pay.

By Mr. CLAPP:

Q. That is what he says? A. Yes, sir; and I know that I did keeper's duty and only drew guard's pay.

By Mr. KEYES:

Q. Mr. Blodgett, during your connection with the prison were you personally knowing of any acts of violence or of any inflictions of punishment upon the prisoners, if so we would like you to state particularly the facts and circumstances connected with each case? A. Well, sir, I will tell you just what I do know; I had a convict transferred into my company—

Q. What was his name? A. I think they called his name Hurley or Burley, he said he was a longshore-man, a very bungling sort of a man; he came into my company about half-past four in the afternoon; I didn't give him any thing to do that day, I told him to sit down, the superintendent was not in there; I never set a man to work, I only see that they behave themselves; in the morning the superintendent came in—

Q. What was the superintendent's name? A. I can't give his name, it wasn't Dickey or Keller—an overseer of the contractors; I told him in the morning I had such a man there, he said: "I don't really know what to with such a man," I said: "Set him at that;" they had a lot of stove handles that wanted dressing and they set him to filing stove handles so they would be smooth to the hand; he worked away at that and the first day I think he dressed about thirty-five; I told him he must hurry up that the task was three hundred a day, he said he couldn't do any more, and Richards, a son-in-law of Dickey, who is one of the company, asked me how the old fellow was getting along, I said: "He works away from six o'clock in the morning to six o'clock at night," I said: "He don't seem to get along very fast," he said: "If he don't do three hundred a day you report him to Bowes," I said I wouldn't do it because God Almighty couldn't make him do any more, he said: "Well, I will." At night I went to Bowes and told him that Richards required the old fellow to do three hundred and that he couldn't do thirty. Bowes said: "You send him to me, I will make him do it, I know that fellow." The next morning Bowes sent his waiter for him, he came back and his face was as white as paper, the tears were running down his cheeks. I said: "Brace up," he said: "I can't work, they have cut me almost to pieces," and then he pulled his pants down and turned his butt up to me and it was just like a blue plumb, they had whaled him so or something, I don't know what it was. And after that the way I had to keep him from being paddled was some of the convicts wouldn't have

so much work to do and they would get their work done early and I would get them to help him along and so the old fellow didn't get paddled any more.

Q. Did he improve in his tasks? A. I think when I came away he could do eighty.

By Mr. McDONOUGH :

Q. Eighty? A. Eighty, yes, sir.

Q. And his task was three hundred? A. Yes, sir; and Richards said to me that, if he didn't do three hundred, that I should report him to Bowes.

Q. Who was Richards? A. Richards was a son-in-law of Dickey, the superintendent there on the stove contract.

Q. Is Richards there now? A. I don't know if he is or not.

By Mr. SHELDON :

Q. Did this man tell who paddled him? A. He said Bowes had paddled him.

Q. Bowes, the principal keeper? A. Bowes, the principal keeper.

By Mr. KEYES :

Q. Did any other instance of paddling, or punishment come under your notice beside that? A. No, sir, not that I remember.

Q. Did you notice any thing else in the nature of punishment prescribed? A. I had a man that didn't like the superintendent in the shop, and Bowes took him out. He had been out about four weeks, and one night when I done night duty — one night some one halloed out to me "Halloo keeper! do you know me? No I don't know you;" he said, "I am the man that run the truck there in your shop," I said, "how long have you been there;" he said, "about four weeks, I am almost starved to death." The most terrible filth I ever saw.

Q. When was that? A. Just before I left.

Q. Do you know what his name was? A. No, sir; he was on the west side at the top of the gallery, way up at the top of the hall.

By Mr. McDONOUGH :

Q. He was gone from your company how long? A. Four weeks.

Q. Did he appear emaciated? A. Oh! terrible; he hadn't been shaved; he said, "they had only given him a few crackers, and that they shoved them in under the door.

Q. The bedding? A. Well, sir, I never saw any bedding there.

By Mr. KEYES :

Q. Only the naked stones? A. Only the naked stones.

Q. Did he have any blanket to cover him? A. I didn't see any blanket, or any thing to cover him.

Q. Did he have a bucket? A. I couldn't see whether he had or not.

Q. Yon can say you saw the filth on the floor? A. Yes, sir.

Q. How did it smell? A. Oh! terrible.

Q. Was Mr. Dickson keeper in the prison while you were there?

A. No, sir; he was hall-keeper when I went there.

Q. Do you recall any other instances of this kind? A. I have seen a good many sore behinds there.

Q. Do you know what this man was kept in the cell for? A. No, sir; I asked him "What were you put in here for?" he said, "I don't know, they sent for me and locked me up here;" I said, "What does this all mean, haven't you done any thing?" he said "no." They called him a crank.

Q. Any thing else? A. They have got a life convict there —

Q. If you can't state facts within your own knowledge state the names of some persons who can give us the facts? A. I will tell you what the doctor said. He is a slim fellow, a red headed fellow. He was an assistant in a doctor's office; I think, he has had about three years to serve. He told me when I went on guard duty that Bowes paddled a man until he was tired out, and then came and sat down and drank a glass of lemonade, and then paddled him again; and then came and sat down, and then paddled him again and tired himself out three times, and when they got through they took the convict in and cut the flesh off, and then put strips of adhesive plaster to cover it up, or hold it together.

Q. Who told you this? The doctor's assistant who was a convict?

A. Yes, sir.

Q. You say you have frequently seen men after they had been paddled, and whose posteriors showed marks of violence? A. Yes, sir; a couple of convicts got a fighting in a cell and the biggest one got paddled, and he showed me his posterior.

Mr. Keyes retires and Mr. Raines takes the chair and continues the examination as follows:

WITNESS — I see that they prefer these charges that the prison is run in the interest of the contrators instead of the interest of the State. I didn't see that the State had any thing to do with it when I was there.

Q. Did you see any other case besides this case you have last mentioned; this man that was confined in the dark cell? A. No, sir.

Q. Have you seen any other cases of paddling, except the ones you have mentioned? A. Never seen a man paddled.

Q. How many of these men showed you their posteriors since you have been there? A. Three.

Q. No more than three? A. I wouldn't swear to more than three.

Q. You say that this convict, this man in the cell was called a crank? A. Yes, sir.

Q. You understood by that that he was not in his right mind?

A. I understood that when he got mad they were afraid of him.

Q. Did you see any indications of unsoundness of mind? A. No, sir, not in the least.

Q. You say you were appointed upon the recommendation of Senator Loomis? A. Yes, sir.

Q. Did you receive a letter informing you of your appointment from Senator Loomis, or from Mr. Pilsbury? A. I couldn't tell you.

Mr. KELLY — What has that got to do with it?

Mr. RAINES — I want to get at what he was, whether a keeper or a guard.

Mr. KELLY — He says he was a guard, and that's all there was about it.

WITNESS — I didn't say I was appointed a guard, I said I was appointed a keeper.

Mr. RAINES — That is what I wanted to get at.

By Mr. RAINES :

Q. The notification that you had as to your appointment came from Mr. Loomis? A. I think it did, I think, I have it at home.

Q. How long were you on duty as a guard before you went on duty as a keeper? A. Three days.

Q. How long did you serve as keeper? A. I couldn't tell exactly how many days, I think, I went there the 17th of March, and I staid along for a few months; I think, I came away in July.

Q. You said you were in poor health a portion of the time? A. Yes, sir.

Q. What portion of the time were you in poor health? A. I was not in poor health so as to interfere with my duty.

Q. Do you know what time you were in poor health. Were you in good health when you went there? A. I haven't been in good health since I was 21 years old.

Q. What was the duty of a guard or keeper? A. The duty of a keeper is, you are confined right in your shop from six in the morning until six at night without a seat to sit down on.

Q. How long were you there after you were transferred to hall duty? A. I think, I was there five days.

Q. Do I understand you to say five days only? A. I think so; I don't think it would exceed six.

Q. When — now these cases of paddling — when were these posteriors shown to you? While you were on hall duty, or while you had charge of a squad? A. The men that belonged to my company was when I had charge of a squad.

Q. And during these five days you say you saw these two cases you have sworn to? A. Yes, sir; recollect I don't say they had been paddled, I didn't see any of that.

Mr. Keyes resumed the chair.

By Mr. RAINES:

Q. Did you ever make an application to be removed? A. No, sir; I wouldn't go back there for a thousand dollars a month.

By Mr. McDONOUGH:

Q. You wouldn't? A. I wouldn't be there to hear the moaning and groaning of those fellows that was there.

By Mr. RAINES:

Q. Where were those parties taken when they were paddled? A. From what I saw of the handcuffs hanging up in the office — I should say Bowes' office.

Q. How far was Bowes' office from where you was on duty? A. Oh, a good ways

A. You say you wouldn't go back on account of the moaning and groaning? A. Yes, sir; I wouldn't go back under any consideration. I have sat at the table, I have sat at my dinner and heard them crying and groaning.

Q. Do you mean to say that when you were eating your dinner you heard men crying? A. Yes, sir — Catholics particularly, praying to the Virgin — the keeper on his taking dinner might pass ten convicts — and not only Catholics but I have heard others.

Q. You have heard those while they were being paddled? A. I suppose so — you could hear the strokes.

Q. How far was this from where you were? A. I couldn't tell.

Q. Do you know how far your mess-room was from where Mr. Bowes' office was? A. I should think perhaps two partitions.

Q. Wasn't it in another part of the building from where you were — another wing? A. No, sir; whether they done the paddling in the front office or back office I don't know.

By Mr. KEYES:

Q. Did you ever see the paddle with which they inflicted the paddling? A. No, sir, I never did — I never saw any cruelty to the criminals there — the only one instance was this convict I spoke about.

Mr. McDONOUGH — Mr. chairman, I would suggest that you enquire as to the general management, the food in general.

By Mr. KEYES:

Q. Please state as to that? A. The general management as to the food in that institution is as good as any man in this room would need to sit down and eat anywhere. It is palatable and good and clean and plenty of it. The only trouble I had with my convicts in any way was having them eat every thing on their plates. They got good food and plenty of it and plenty of coffee and plenty of it at night.

By Mr. McDONOUGH:

Q. Coffee for supper? A. Coffee for supper; and their bunks always looked clean.

By Mr. KEYES:

Q. Except the cells where they were placed for punishment? A. Yes, sir; except this one on the west side — I think if it is necessary — I think I have a book with the name of every convict I had in my company — if you want to know the name of this convict that was put there I think I can send it to you.

Mr. KEYES — Well, send it to us if you please.

Mr. KELLY — You were going to say something about the State, that you didn't see that the State had any thing to do about running the prison while you were there.



By Mr. KEYES :

Q. We want to know whether the contract system was in operation in Sing Sing prison while you were there? A. Yes, sir, it was.

Q. We would like to have you state any facts within your observation going to show the nature and extent of the abuses, if any, existing under the contract system? A. I had so little to do that I wouldn't know much about it. Sometimes I had eighteen men in my company and sometimes forty.

Q. That was State work? A. No, sir it was contract work ; you see they set up a stove to-day, and some part of it breaks ; they done that repairing in my shop ; they were brought over from the other shops ; they done very little there.

Q. Have you any knowledge of the contractors, are their agents or citizens employees interfering in any way with the discipline of the prison or imposing severe burdens on the convicts? A. One of their men inderfered with my discipline one day.

Q. State how? A. Well, I told the convict to do so and so, and he told him to do different and I reported him to Mr. Bowes and he gave him a general going over ; he said " Mr. Blodgett has the management of the discipline of those men " ; no, sir, no man didn't interfere so far as I know with any company.

Q. What can you say as to the quantity of labor required of the convicts compared with the labor of others employed outside? A. Here is two rows of men, you set these men at the same kind of work, perhaps one half of them would get done and have hours to play and others could get through possibly ; but aside from this old man, my men weren't overtaxed — there was once in a while a man that couldn't get done and I told Mike or Jimmie to take hold and help him — I said you might be off some day yourself.

Q. Have you ever been engaged in manufacturing pursuits? A. No, sir ; all new to me.

Q. Have you been in position to observe outside the amount of work required of men — in stove manufacturies? A. No, sir ; I will answer the question that I don't think my men were over-taxed.

By Mr. McDONOUGH :

Q. Were they all taxed alike? A. I can't answer that, because they had different kinds of work to do.

Q. Well, where they, where they were doing the same kinds of work? A. Well, they had different kinds of work to do.

By Mr. KEYES :

Q. Do you know whether convicts who have been recently placed at the prison are required to perform as large tasks as those who have been there a long time? A. No, sir ; I don't think they are.

Q. Is the work graded according to the ability of the convict to perform it? A. Yes, sir, I think it is ; I think they endeavor to do that.

Q. Where the convict is physically weak and feeble ——— A. This old man was a very strong man.

Q. Where a convict was physically weak or in any way unable to perform a full task would he be required to perform the full task performed by other men employed in the shop? A. I didn't see any thing of that kind, well, I will say no, he would not, I had some men tasked pretty high but I had other men to keep them up. Bowes said to me "you let the men do as they like, don't you," he said, "you don't report any men," well, I said, "I made up my mind to get along without it."

By Mr. KELLY :

Q. Were you ever a keeper before in any prison? A. No, sir; I didn't have any fault found with me while I was there that I know of.

By Mr. KEYES:

Q. If you have not stated I wish you would state the reason of your leaving your position in the prison? A. I asked Mr. Brush to transfer me, that is after I had been there a few days, he transferred me on the shoe contract, he said he left the whole working of the interior of the prison to the principal keeper.

Q. Did you speak to the principal keeper about making a change? A. No, sir, I don't know that I did, if I did I have forgotten it, at any rate I made up my mind not to stay.

Q. Do you mean to say you resigned your position. A. Yes, sir.

Q. Do you think of any facts or circumstances going to show the nature of the contract system? A. No, sir, I don't, I didn't like to state this.

Q. Do you know any thing else relating to the management of the prison which in your judgment goes to impeach the management?

A. I saw a convict jump off the third or fourth gallery and almost killed himself.

Q. Do you know the facts which led him to do that? A. No, sir; I only know what they said, he thought they were going to paddle him.

Q. Did he tell you so? A. I know his keeper told me he was going to be paddled.

Q. Do you know the name of the convict? A. No, sir, I do not.

Q. Or the name of the keeper? A. His name was McCormick, he was a keeper of a laundry company, about the largest company in the prison.

By Mr. McDONOUGH:

Q. This was a young man that was employed in the laundry, he was employed in the laundry, this man who jumped off? A. That is what they told me, they told him to stay in his cell and the boy thought they were going to paddle him, this is all hearsay, the boy leaped over and jumped right over the gallery.

By Mr. McDONOUGH:

Q. This man who worked on the stove-handles was he a young man? A. No, sir, he was a man from forty-eight to fifty years old.

Q. Did he appear decrepit? A. No, sir, but a bungler.

Q, Very awkward? A. Very awkward, I tried to show him, some places it would be smooth and some rough, I told Mr. Bowes about him and he said he knew him, he had him to deal with before.

Committee adjourned subject to the call of the Chair.

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'At a hearing before said committee at the prison at Sing Sing, April 1, 1882:

At the opening of the meeting, present—Messrs. KEYES, SHELDON, KELLY, McDONOUGH, who retired to an adjoining room for consultation and after a short time returned, and Mr. KEYES stated on behalf of the committee, that after consultation the committee had decided to examine certain of the prisoners without the reporter or prison officer being present, whereupon the committee retired to the principal keeper's private office, and examined the following witnesses:

*Anthony Maher*, called as a witness:

By Mr. KEYES:

Q. Will you be sworn? This is an investigation conducted by a committee of the legislature to inquire into the management of Sing Sing prison, and in the course of this examination we are examining the prisoners and officers of the prison to see what they have to say, and we have called you to get you to testify as to what you know or what you have to say as to the management of the prison so far as you know. If you are willing to be sworn you can raise your right hand.

WITNESS — I have an idea if I go talking about this place as I ought to, there will be an after clap; I will be punished or sent away.

Mr. KEYES — So far as we can influence the matter we don't intend that you should suffer any deprivation or punishment; you understand that this is a committee of the legislature; they have no power over this prison, all we can do is to report to the legislature. The committee of course will expect the authorities of the prison to make no discrimination against you on account of any thing you say here.

McDONOUGH — Don't you think that this testimony should not be given to the authorities: if the legislature see fit to print it, they should feel that it is just as this prisoner expresses it, seems to me that the legislature of the State of New York ought to have power to protect its witnesses; (to the witness), we don't promise you any thing; you must not expect to be pardoned, we hold out no inducements to you.

Mr. SHELDON — It seems necessary to have prisons and if those prisons are properly conducted we can't help the necessity for them, but we would be very glad to; but there is a necessity for them and prisoners can't expect the same treatment as people outside; but what we want to get at is, as to the management here, if we think there can be any improvement here we will so report.

WITNESS — Is there any particular question you wish to ask me?

Mr. SHELDON — Yes, and we want you to tell what you know about the prison.

Witness signified his willingness to be sworn, whereupon the witness was duly sworn and examined, and testifies as follows :

By Mr. KEYES :

Q. Your name is ? A. Anthony Maher.

Q. How long have you been in prison ? A. I will be here 15 years the 17th of last May.

Q. Are you a life prisoner ? A. Yes, sir.

Q. You were sent up for what offense ? A. Homicide.

Q. Was that your first offense ? A. Yes, sir.

Q. You have been kept at labor since you were in the prison ? A. I am on contract work now, before I was on State work.

Q. Most of the time on State work ? A. Yes, sir.

Q. How long have you been on contract work ? A. On contract about two weeks.

Q. Only two weeks ? A. Since this thing has happened.

By Mr. McDONOUGH :

Q. What do you mean by "since this thing has happened" ? A. This investigation; I had charge of the books in the hall and I gave some points to one named Morgan and he furnished them to Mr. Campbell, the time that thing was detected they put me in the dark cell.

By Mr. KEYES :

Q. How old were you when you were sentenced ? A. Between 18 and 19.

Q. And you are now — ? A. In my 34th year.

Q. Where were you from ? A. New York.

Q. Born and brought up there ? A. Yes, sir.

Q. Have you any choice, if you were permitted to choose between State labor and labor on contracts ? A. I should prefer State labor.

Q. What would be the grounds of your preference ? A. In the first place they are not worked so hard and there is no task attached to any work on the State.

By Mr. SHELDON :

Q. A man can do as little as he has a mind to on State work ? A. They have a certain amount of work to do and they can't do it.

Q. Some men can do a larger amount than others ? A. Yes, sir.

By Mr. KEYES :

Q. You have so much to do and if you do it among you, that is all that is required ? A. Yes, sir.

Q. Do you think it is a rule that they will shirk ? A. Yes, sir.

Q. As much on contract as on State labor ? A. I don't think they can shirk on contract.

Q. Is there any feeling among the convicts that it is more degrading to work on contract than on State labor? A. I don't believe there is.

Q. Have you heard the convicts talk about the contract work and State work, to know what this work is? A. That they are over-worked.

Q. On the contract? A. Yes, sir; if they don't get their task done they are punished.

Q. If the contract work were not harder they would have no complaint? A. No, sir.

Q. Have you heard this matter discussed among the convicts? A. Yes, sir; many times.

By Mr. SHELDON:

Q. Do you have opportunity to discuss it freely? A. I have.

By Mr. KEYES:

Q. Have you ever heard the prisoners express the feeling that their work upon the contracts was a species of slavery to the contractors? A. I don't understand.

Q. Have you ever heard the prisoners express the feeling that their work upon the contracts was a species of slavery to the contractors? A. I have heard a number say so.

Q. And because the work is hard and harder than the State work? A. Yes, sir.

Q. Is there a feeling among the prisoners that the contractors themselves are responsible for their—crowding them too hard with work—or that the authorities of the prison are to blame? A. I think it is laid to the contractors.

Q. Was this contract system in operation when you first came to the prison? A. Yes; but not to the extent that it is now.

Q. There were some? A. Yes, sir.

Q. But you were not placed on contract work until the last few weeks? A. Yes, sir.

Q. What contract are you on now? A. On the stove contract.

Q. Do you find the work there severe? A. No, sir; the part I do is light.

Q. What part do you do? A. I print a few circulars—that is I attach the names to those—the circulars they are already printed—and I print the names of the persons to whom they are to be sent.

By Mr. SHELDON:

Q. There is no very hard work connected with that? A. No, sir.

Q. Is it as hard as the work you did before on the contract? A. No, sir; I don't believe it is.

Q. So far as the work you do on the contract is concerned, have you any occasion to complain that it is severe? A. Personally—no.

Q. Have you had occasion to think that the prisoners generally have been worked too hard? A. I think they have, under the former administration the tasks wasn't near as large as it is now.

By Mr. SHELDON :

Q. Have you any knowledge as to what was required of them before? A. Merely what the men say—I have opportunity to know what nearly every man says.

Q. You have conversed with the prisoners? A. Yes, sir.

By Mr. KEYES :

Q. Do you know how their work compares with men outside of the prison? A. The citizens claim that they do as much work here as they do outside.

Q. In the same number of hours? A. Yes, sir.

Q. Do the citizens claim they are required to do the same work that they do outside? A. I don't think I ever heard one say that.

Q. Were you a laboring man before you came here? A. Yes, sir.

Q. What was your employment? A. I was apprenticed to a showcase maker.

Q. How has your health been since you were in prison? A. Fair.

Q. Ever been sick? A. No, sir.

Q. Ever had occasion to call for the doctor? A. Never.

Q. How have you found the diet in the prison? A. I think it is as poor now as it ever has been.

By Mr. SHELDON :

Q. During the whole fifteen years you have been here, you think? A. As poor food as I ever had.

Q. You dine with the general mess all the time? A. Yes, sir.

Q. Do now? A. Yes, sir.

By Mr. McDONOUGH.

Q. Give us some idea; what did you get for coffee? A. What they call boot-leg coffee, more like slops; they gave us what they call hash, the hash is about all mashed potatoes, very little meat; we got that for breakfast; for dinner we get corn-beef, mashed potatoes and all the bread we want, that is for Monday.

By Mr. SHELDON :

Q. Have boot-leg coffee for dinner? A. Yes, sir; except one day in the week, when we get soup.

By Mr. KEYES :

Q. Is the food sufficient in quantity; is there enough of it, such as it is? A. Yes, sir; more than enough.

Q. The hash contains nearly all potatoes? A. Yes, sir; the coffee hasn't got the taste of coffee.

Q. What is it? A. They call it crust coffee, there is no taste of coffee about it; they do sometimes give us very decent coffee for dinner, but the coffee for supper is like dish-water.

Q. How as to the meat? A. The meat is pretty fair.

Q. Meat every day for dinner? A. Yes, sir; with the exception of Friday, they give us fish, coffee, bread and potatoes.

Q. What do you have for supper? A. Bread and boot-leg coffee.

Q. Every night? A. Every night.

Q. Any mush? A. No mush at all.

By Mr. SHELDON :

Q. Only those two things? A. Bread and coffee.

By Mr. KEYES :

Q. Are you required to work on Sundays? A. I never have been.

Q. Did you see other convicts at work on Sundays? A. I have seen a number of them, seen them go out and come in; I would merely know they were going to work.

Q. Know whether they were doing regular work, or extra? A. I suppose they were doing extra work.

Mr. O'BRIEN appears.

Mr. KEYES — Shall we go further on this line of inquiry?

Mr. SHELDON — He said before he commenced his testimony that he was afraid that they might send him away. (To witness.) You prefer staying here? A. Yes, sir; not for myself, alone; I have an old mother, and I care more for my friends than I do for myself.

By Mr. McDONOUGH :

Q. They live in the city? A. Yes, sir.

By Mr. KEYES :

Q. And do they visit you here? A. Yes, sir.

Q. How often? A. As often as I want.

By Mr. KELLY :

Q. You say you have pretty easy work? A. Yes, sir.

Q. That is on account of your being a life-man? A. Yes, sir.

By Mr. McDONOUGH :

Q. Now, then, this information that you sent outside, did you do that because you disliked any of the keepers? A. I didn't send anything outside; I gave it to another man and he sent it out.

Q. Did you do that from any ill-will? A. Merely that I saw the doctor was misuseing some of the men; that he wasn't doing as he ought to.

By Mr. KEYES :

Q. Did you prepare a written statement of facts within your own knowledge? A. I only furnished the dates and names of the men.

Q. You didn't write it out? A. Merely the dates and names.

Q. And they were furnished to Morgan? A. Yes, sir.

Q. Did you know at that time it was for the use of Mr. Campbell?

A. I understood it was.



Q. Did you know that Mr. Campbell was desiring to get such information? A. No, sir, I did not.

Q. You knew he was interested in the affairs of the prison in correcting any abuses that might occur here? A. I heard that it would appear in the papers.

Q. You heard of the article that appeared in the *Herald*? A. Yes, sir.

Q. Did you assist in preparing that? A. Yes, sir.

Q. Did you see that? A. Yes, sir; I had a copy in my cell.

Q. No difficulty in getting those things I suppose? A. Oh, yes, there is.

Q. Did you have any conversation with any one except Morgan in relation to the matter set forth in that article? A. Yes, sir; one man.

Q. Is he in the prison? A. Yes, sir, a convict.

Q. What is his name? A. I don't like to divulge his name.

Q. I don't think it would do any harm to him or you?

Mr. McDONOUGH — That brings us back to the original question, the State ought to have power to protect its witnesses.

Mr. O'BRIEN — You needn't fear any punishment for what occurs here.

WITNESS — I don't dread the punishment, it is only being sent away.

Mr. O'BRIEN — We don't intend that this testimony shall be made public.

WITNESS — It will get in the newspapers.

Mr. O'BRIEN — No, we don't intend that it shall get in the papers.

Mr. KEYES — It will be reported to the legislature, I don't believe it possible that the officers of this prison will punish any person for what he states to this committee, I don't want to mislead the prisoner, I don't want him to understand that the committee have power to prevent this testimony going to the legislature.

Mr. McDONOUGH — He means it may be printed to-morrow.

WITNESS — It may be printed, I don't care when it is printed.

By Mr. KELLY:

Q. How have you been treated since they found this manuscript? A. I have been put in the dark cell.

By Mr. KEYES:

Q. That was in violation of the prison discipline? A. Yes, sir; but they may send me away from here after this.

Mr. KEYES — I think we can use our influence to prevent it, I don't think Mr. Brush is a man that would do that.

Q. You understand that the furnishing of this document to Morgan was in violation of the prison discipline, and couldn't complain of that, but this is different, I think you can safely give us the name of this man, you can probably give us the name of some one that can? A. No, sir, no one.

By Mr. O'BRIEN:

Q. Is he a prisoner? A. Merely read the first manuscript of Campbell's.

By Mr. KEYES .

Q. Did he have any thing to do with sending it out? A. No, sir.

Q. He had nothing to do but read it? A. No, sir.

Q. You handed it to him to read and he handed it back to you? A. Yes, sir.

Mr. KEYES — I don't think it necessary to have his name.

Mr. O'BRIEN — Have you asked this prisoner in regard to the punishments?

Mr. KEYES — No; we haven't come to that.

By Mr. KEYES :

Q. This *Herald* article was prepared by Morgan from dates you furnished? A. Yes, sir.

Q. You obtained the dates from the books I suppose? A. Yes, sir.

Q. You had access to the office and you looked in the books and ascertained the dates? A. Yes, sir.

Q. Morgan asked you to do that, did he? A. Yes, sir.

Q. Morgan was not in a position to obtain information from the books? A. He could find it from the prisoners themselves.

Q. But he had no access to the books? A. No, sir.

Q. Now can you state any facts going to show the kind and degree of punishment inflicted here upon the prisoners — have you witnessed any cases of punishment yourself since you have been here? A. I have never witnessed it --- the Pulcato case --- I remember that.

Q. Give us a statement of the Pulcato case? A. When he first went there in the prison he was placed on the Perry contract, and finally he lost the use of one eye and finally placed in the mess-room, and from there because, I think of insanity, he was locked in his cell and then was showered out. He was kept in the dark cell until night, and then transferred to Auburn. That is all I know in reference to Pulcato.

By Mr. SHELDON :

Q. Did you see him showered out? A. Yes, sir; I did.

By Mr. KEYES :

Q. How is it done? A. It is done with a regular fire hose, the muzzle of which is one inch and a quarter. That is placed up by the door and the man is washed out.

Q. What was the reason assigned? A. Merely that he was noisy in the cell and wouldn't come out without showering.

By Mr. SHELDON :

Q. Did he have any weapon with him? A. No, sir.

Q. Was he a strong man? A. Yes, sir; he was a powerful man.

By Mr. McDONOUGH :

Q. You say he lost an eye? A. Yes, sir.

Q. How did he lose that? A. On the emery wheel.

Q. How was that? A. By accident.

Q. Then you say he was placed in the mess-room? A. Yes, sir.

Q. And he got crazy there? A. Yes, sir.

Q. Then he was put in a cell? A. Yes, sir.

Q. After showing signs of insanity he was showered out? A. The first time he showed it he was locked in 1 gallery, and then transferred to 2 gallery, and then he began to be noisy, and there they showered him.

Q. What makes you think he was insane? A. Merely that he was noisy and wouldn't listen to but one man, and finally wouldn't listen to him.

Q. Who was that? A. Collin Barrey.

By Mr. KEYES:

Q. Was he a prisoner? A. Yes, sir.

By Mr. McDONOUGH:

Q. Was it your opinion that he was in his right mind when they showered him? A. I judge from the fact that they sent him off that he was insane.

Q. Give us his language? A. You couldn't understand him, he was an Italian.

Q. Did he appear to be raving? A. Yes, sir; he made considerable noise.

By Mr. SHELDON:

Q. Did he come right out or did it take a good deal of water to get him out? A. It took a good deal of water.

Q. Could he get out of the way of the hose? A. There isn't much danger being in one of those cells of getting away from the water in one of those cells.

By Mr. KELLY:

Q. Did they stop, and he say he would come out? A. They knocked him down and dragged him out with the force of the water.

By Mr. KEYES:

Q. Who performed the showering? A. I think it was keeper Hornbeck or keeper Middleton.

By Mr. O'BRIEN:

Q. Is Hornbeck here now? A. Yes, sir.

By Mr. McDONOUGH:

Q. Did you see him here that morning before he was sent away? A. Yes, sir.

Q. How did he act? A. Acted like a crazy man.

By Mr. KELLY:

Q. When was this that that this occurred? A. I believe it was in October, '80.

By Mr. KEYES:

Q. You were standing near during this showering? A. Yes, sir; right over head.

Q. You were there to assist in the process? A. No, sir.

By Mr. McDONOUGH:

Q. Who was the next prisoner you saw punished? A. That is the only one I saw punished. There was a case happened here --- I forget his name now --- I can't think of his name --- he was showered in this same way on 20 gallery --- locked in the dark cell and remained there some four or five days, and then sent to his work. But the supposition in that case was that he had a knife. Moriarty was his name.

By Mr. KELLY:

Q. Do you know of any other punishments they have here? A. I know they paddle here.

By Mr. McDONOUGH:

Q. Can you give us the names of some that you think were paddled; they don't allow you to see the paddling? A. No, sir; I understand that they have testified that six or eight blows are usually given; the morning I was put in the dark cell a man was paddled; I heard these blows, and I heard him say that he received fifty-four blows.

By Mr. KEYES:

Q. Do you know who saw that paddling? A. No, sir; I was not there; I think the doctor.

By Mr. SHELDON:

Q. Who did you hear say that he had received fifty-four blows? A. I heard the man himself; his name is John Harriss; he works in the shoe-shop.

Q. Does he work there now? A. Yes, sir; then there was another, John Daley, he was in the dark cell at that time, and Edward Case, he was in the dark cell; those were the only three or four that were in the dark cell at that time.

Q. Did you see any of those men after they were paddled? A. No, sir, I did not.

Q. None of them exhibited their posteriors? A. Yes, sir, a number of times; I should say John McKeen.

Q. Will you describe the condition of John McKeen's person? A. I merely can say that their skin hung in ribbons.

Q. How long after the paddling did you see him? A. Two days.

Q. Do you know how many blows he received? No, sir, I do not.

By Mr. SHELDON :

Q. Did you see the paddle he was paddled with ? A. I saw a paddle here a number of times ; I don't know the paddle they use at the present time.

Q. Don't you know that you saw the paddle he was paddled with ? A. No, sir, I never saw that ; it is a piece of leather about that wide (indicating) and about that long (indicating) attached to a round handle.

Q. Two thicknesses of leather ? A. Some of them two and again there is only one.

By Mr. KEYES :

Q. You say you have never seen the process of paddling ? A. No, sir.

By Mr. KELLY :

Q. Weren't you ever paddled ? A. No, sir ; I am perfectly willing to be paddled to show you how it is done.

By Mr. McDONOUGH :

Q. You say the skin was hanging from his person two days after he was paddled ? A. Yes, sir.

Q. Didn't they put any plaster on it ? A. No, sir ; merely put him in his cell and allowed him to bathe it with cold water.

Q. Were you acquainted with a keeper named Blodgett ? A. Yes, sir.

Q. Was he discharged ? A. I have got no way of knowing.

Q. How long was he here ? A. About five months I should think.

Q. Did he have any opportunity of hearing the prisoners paddled ? A. I presume so.

By Mr. KEYES :

Q. Do you remember a prisoner here by the name of John Hurley on the stove contract ? A. I know one John Hurley here ; a fifteen-year man.

By Mr. KELLY :

Q. He is an old man ? A. No, a young man ; I should judge thirty odd.

By Mr. KEYES :

Q. A stout man ? A. No, sir ; a slim man worked in the hall ; I remember a Hurley, a little, short, thick-set Irishman ; he was transferred to Olinton ; I remember the time he was there.

By Mr. KELLY :

Q. How do you know about the punishment ? A. I have seen them after they have been punished ; I never saw them being punished ; no convict ever saw them punished.

By Mr. KEYES :

Q. When was the punishment where you saw the skin hanging in ribbons? A. In '80, shortly after Mr. Bowes was made keeper here ; every time you opened this man's mouth there was something stuck out like a tongue, and finally the doctor excused him ; finally he went out in September ; if you want to see what paddling is put me up there ; I will let any man use the paddle ; you are shackled up against the wall and your feet are in stocks ; you stand right up like this (indicating) ; I understand there was a man paddled here yesterday, and if you will look at that man you will see what paddling is ; his name is Jerry Sullivan ; he works in Mr. Carroll's company in the mounting shop.

By Mr. O'BRIEN :

Q. What was he paddled for? A. I understood for short work.

By Mr. McDONOUGH :

Q. Did you ever hear the prisoners moaning and groaning about their punishment? A. I can't say that I ever heard them moaning and groaning because there is only a few punished daily ; I have heard them groan regarding sour bread and I have heard them groan regarding dirty shirts.

By Mr. SHELDON :

Q. What do you mean by that? A. There are men there that never had a clean shirt in six weeks' time.

Q. Have you any such thing now as that? A. No, sir.

By Mr. KEYES :

Q. When did that happen? A. Only a few months ago.

By Mr. SHELDON :

Q. Why was it that they didn't get a change in six weeks? A. Well, that is pretty hard for me to tell.

Q. You have always had frequent change? A. Yes, sir ; every week and every two weeks ; I did my own washing.

By Mr. O'BRIEN :

Q. What company was it? A. Pretty nearly every company in the yard ; the hall company I know.

By Mr. SHELDON :

Q. Do you know of a company that went without a change of shirts for six weeks? A. Yes, sir.

Q. What company was that? A. In the hall — you want to go when you please, not when they take you.

By Mr. McDONOUGH :

Q. The prisoners whose friends supply them with money — does that make any difference with the prisoners here ? A. That don't make any difference at the present time ; there was under the board of inspection.

Q. Is there any outside influence that militates in their favor ? A. I don't know of any.

Q. Do you know of any prisoners here who are kept on light labor more than others ? A. Yes, sir ; I do ; I know a number of them.

Q. On account of ill-health. A. I don't know whether they are in poor health ; they are big, strapping men.

Q. What does that Coburn do ? A. In the mess-room — steward.

Q. That light work ? A. Yes, sir ; a boy six years old could do it.

Q. How is he treated ? A. I suppose he is treated the same as the other convicts.

Q. Ever know of his being punished ? A. No sir ; he never has been punished.

Q. Do you know how he behaves himself ? A. I suppose he behaves himself well.

Q. Has he been there long ? A. He has been there ever since he came from Auburn here.

Q. Do you think there are boys and men at hard work that would be better fit for that position ? A. Yes, sir ; I think there are hundreds of them in the prison that could do it who are now working hard.

By Mr. O'BRIEN :

Q. Is not that a responsible position ? A. There is no responsibility attached to it.

Q. He does not have to measure out the flour and victuals in any way ? A. No, sir ; that is done in the kitchen.

By Mr. SHELDON :

Q. Don't the prisoners sometimes steal from each other at the mess-room ; don't they sometimes steal from each other ? A. No, sir ; their rations are placed before them ; of course the men in the mess-room they have an opportunity for stealing.

Q. The convicts as they come in can't they slip off the food from another man's plate ? A. I have never known it to be done.

Q. Is it well to have a strong man there to put down any disturbance of that kind ? A. Isn't the keepers enough there ?

By Mr. KELLY :

Q. Are there any others that have light work ? A. There is another man, a fifteen year man.

Q. What was his name ? A. John Conners.

Q. Are Hope and Kelly here ? A. Yes, sir ; they work in the laundry, do what they call turning shirts there.



By Mr. KEYES :

Q. What is the name of that prisoner that jumped off the gallery and broke his ankle ? A. There is one here, he is in the mess-room, his name is Edward Smith, he jumped off the laundry stoop it was ; there is another man transferred to Clinton named Frank Thompson.

Q. Did you witness those ? A. Smith's case I did not ; the Thompson case I did ; he was taken out of his cell by two keepers, both walked behind him, when he got to the end of the gallery he jumped over, three galleries high, I assisted to carry him to the hospital.

Q. Was he severely injured ? A. Yes, sir ; his hip and ankle were broken ; one leg was shorter than the other.

Q. Do you know the reason why he jumped off ? A. He was being frequently punished for short work.

Q. Did he threaten to kill himself ? A. Not that I know of.

Q. Did you hear him talk about the matter afterward ? A. No, sir ; he stopped in the hospital till he was transferred to Clinton.

By Mr. KEYES :

Q. Do you know of any instance where a prisoner locked in his cell has been kept there several days without any means of disposing of the refuse ; without any bucket ? A. No, sir, I don't ; the buckets are emptied every morning.

Q. Are prisoners ever left in a cell without any bedding as a means of punishment ? A. Not in the hall ; they are in the dark cell.

Q. Without any bedding ? A. Without any bedding ; left there for weeks ; there is a regular water-closet building there.

Q. Is there any reason for filth accumulating there ? A. No, sir.

Q. Are they so confined in the dark cell that they can't reach the buckets ? A. Oh, they can walk around.

Q. They are not handcuffed to the door or cell ? A. No, sir.

By Mr. SHELDON :

Q. Is there any dark cell here ? A. Yes, there is a dark cell right here, in this building here.

By Mr. KEYES :

Q. They are not chained in the dark cell ? A. No, sir.

Q. Is the cell dark ? A. No, sir ; those cells are not real dark cells ; they are called dark cells because they are punishment cells.

Q. Are they kept there a definite length of time or with the understanding that they will be released as soon as they promise obedience ? A. I have known men to be kept there as high as ten, twelve, fifteen, as high as sixteen days at a time.

Q. No definite length of time prescribed ? A. They would be released if they did promise.

Q. The reason they don't promise is — ? A. Because they can't do the work.

Q. In reference to the paddling, do you understand that the strokes would be abated if they promised to behave ? A. Well, I suppose they would.

Q. They stop now and then and give the prisoner an opportunity to promise ? A. They stop every four or five blows and ask the man whether he has concluded to go back and do the work.

Q. Did you ever know of a prisoner receiving more than 10 or 15 blows ? A. Yes, sir ; that is, I didn't see them.

Q. Were you where you could hear it ? A. Yes, sir.

Q. How many did you count in any one case ? A. I counted over 300 blows in each case ; I stood right here by the window.

Q. Do you know the name of the prisoner in each case ? A. They called him Red \* \* — I think it is Frank Williams ; he's a key-room runner ; there is another one called John Clark.

Q. You think in that case you heard some 300 blows in each case ? A. Yes, sir ; the other man named Reiley.

By Mr. KELLY :

Q. Did you hear them cry out ? A. I should say I did hear them cry out ; there was no let up in that man.

By Mr. KEYES :

Q. Do you hear who inflicted that punishment ? A. What was keeper Bowes.

Q. Do you know when that happened ? A. That was in the summer of 1880.

Q. Do you know whether the present keeper, Mr. Dixon, has ever paddled prisoners ? A. Yes, sir.

Q. Do you know of any extreme cases inflicted by keeper Dixon ? A. The worst one I know of under keeper Dixon was this John Harriss now employed in the shoe-shop.

Q. Is there any further fact you would like to state to the committee, any statement in regard to the management of the prison or punishment of the prisoners ? A. Merely that we ain't fed well ; ought to get better food ; I understand that some have testified here that we receive eggs and tea ; during Easter we receive eggs ; only four, and that only once a week, and so far as tea is concerned we don't get a smell of it only during the holidays, two or three times a year.

By Mr. KELLY :

Q. How do you consider you have been treated here ? A. I have been treated just the same as the others.

Q. It is merely from no ill-feeling that you testify — merely to tell the truth ? A. No, I have always been well treated.

By Mr. O'BRIEN :

Q. You get plenty of meat and potatoes ? A. Yes, sir — such as it is — we get what they call pork here ; I know the men have been trying to find out what it is when you chaw it, you think you're chawing on oats ; I don't know what it is — we call it pork ; some say it this 'ere salt of tender loin ; we used to get ham, but we get this pork now in the place of it.

By Mr. KEYES:

Q. What have you to say in regard to the general conduct and disposition of Mr. Brush as warden of the prison — is he kindly and humane or is he harsh and severe? A. I always did think he was severe, but after being detected, I have concluded that the man wasn't as bad as he was said to be.

Q. That is, he has not shown any vindictive disposition toward you? A. No, sir.

Q. You have merely been changed from one employment to another? A. Yes, sir.

Q. Has the principal keeper, Mr. Dixon — what have you to say as to his disposition? A. He has got such a position that he is obliged to punish — but I don't think he is as bad as the other.

Q. What is his conduct toward the prisoners? A. He speaks very gruff, but I think he is kind at heart.

Q. You have no reason to complain of his treatment of you? A. No, sir.

Q. And the keepers generally — are there any of the keepers here that seem to you unduly harsh and severe? A. Yes, sir; there is.

Q. Can you name any particular man that you think habitually harsh and severe? A. I think Mackin, and I will mention T. W. Travis, I will mention one Eaton, I will mention one Wilsey.

By Mr. KELLY:

Q. All here now? A. Yes, sir.

By Mr. KEYES:

Q. They have the reputation among the men of being very harsh? A. Very severe and cruel.

By Mr. SHELDON:

Q. Did you know Mr. Campbell when he was here? A. He was a humane man.

Q. Did he ever swear at the convicts? A. Not to my knowledge.

By Mr. KELLY:

Q. How about Blodgett? A. He was a good man — a good man will never last in this prison as an officer.

By Mr. O'BRIEN:

Q. Those men that you speak of as being good men do as much work with the men as those who are called severe? A. They do just as much work and in a good many cases they turn out more work; you take these rough keepers the men won't work for them, they had rather be punished.

By Mr. KEYES:

Q. Are there any other prisoners that you would particularly like to have called? A. Yes, I would — one.

Q. Who is that? A. His name is Joseph Morgan and one Theodore Burnett.

Mr. O'BRIEN — We would like the names of three or four convicts whose time is nearly up?

By Mr. McDONOUGH:

Q. How long is Coburn to stay here? A. His time is up in 1883; I can't remember any man who has been here ten or twelve years.

Mr. KEYES — Your idea is to get some one whose time is nearly up.

Mr. O'BRIEN — Yes, and some one who would be a good witness to call.

WITNESS — There is one man who's time is already up — but he is serving a short time for trying to escape — John Hurley.

By Mr. SHELDON:

Q. Just before his time was out he broke away? A. He escaped in the early part of his time.

Q. There was one man that had been here fifteen years and had been here nearly ten, and he was allowed to go out and went to a picnic, and the time slipped by before he knew of it? A. His name was James Jackson.

Q. He keeps the tasks of the prisoners? A. He has a cell here.

Q. He keeps the tasks of the prisoners? A. I don't know really what his work is, he works for Perry & Co.

By Mr. McDONOUGH:

Q. Do you know this Coburn to strike any of the prisoners? A. I never knew that he did; they say he struck a prisoner in Clinton.

By Mr. KEYES:

Q. Have you any thing further to say? A. No, sir.

*Joseph Morgan*, called as a witness, duly sworn, testified as follows:

By Mr. McDONOUGH:

Q. How old are you? A. Thirty-seven.

Q. What is your sentence here? A. Two years and a half.

Q. From where? A. New York city.

Q. What was the offense? A. Grand larceny.

Q. How long have you to serve? A. Eleven and one-half months if I receive my commutation; seventeen if I do not.

Q. What are you working at? A. Working now fitting up stoves.

Q. Cabinet work? A. Yes, sir.

Q. Have you ever been punished? A. Yes, sir.

Q. In what manner? A. I have been in the dungeon only.

Q. How long were you in there? A. Once, one night, next time three nights, and two days and one-half.

Q. What was the offense? A. The first time the pretense was talk-

ing in the mess-room; the second time, so far as I can understand, I had been giving information to Mr. Campbell.

Q. Was the offense made known to you before you were punished?

A. No, sir, in neither case.

Q. Have you any knowledge of other inmates being punished? A. Yes, sir.

Q. Have you ever seen them punished? A. That is impossible for me to be there.

Q. Near enough to hear them? A. No, sir.

Q. What knowledge have you of it? A. Their own statement; there is a man prepared to come here and state that he has been paddled, receiving one hundred and sixty blows and being showered out of his cell.

Q. What is his name? A. Frank H. Williams; there is another one, the same offense; I think his name was Patrick Clark; he received from one hundred and fifty to one hundred and sixty blows, so he claimed; there is another named McKeen, he is not long out of here, he stripped down his pantaloons and his bottom was like a piece of raw liver.

Q. For what offense? A. I don't know; this Williams was, I think for assaulting an instructor.

By Mr. KELLY:

Q. Do you know of any who have received punishment within the last two or three days? A. No, sir; while I was in the dungeon a man was punished.

By Mr. McDONOUGH:

Q. Weren't you told what your offense was? A. Not till the next morning; Mr. Dixon told me and I asked him if he would let me explain, he said "No!" That day Mr. Dickey came up to me and I had been suffering for a long time. I was broken down; in order to avoid punishment I continued work and that has broken me up; on this occasion Mr. Dickey came up and I told him, after conversing with him he had a conversation with the keeper; that night I was taken in and I was put in my dungeon; I had never been punished before; I was punished then for talking in the mess-room — there may be no connection between those two facts.

By Mr. KELLY:

Q. You were here before? A. Yes, sir; served two and a half years on this contract before.

By Mr. McDONOUGH:

Q. Do you find it pretty laborious work? A. No, sir, not now; since that Perry & Co. have taken me off of this hard work and my leg has been shattered by a shell; I worked until my leg began to swell, then they put me on the cupalo — I worked there till I strained my back — I went down to the hospital and the doctor said there was nothing the matter; "go and get a plaster," and I said doctor, I can't

do any work, and he said "yes you can." There was a colored man there and I gave him five plugs of tobacco to help do my work. Mr. Richards came along and wanted to know what was the matter, and I was transferred to the polishing work.

Q. Where did you get the tobacco? A. Contract tobacco; we are allowed a plug every week and it accumulated; I don't use very much myself; I worked in the polishing shop; I asked permission to sit down and the keeper said he had no authority to let me sit down and I went to the doctor and asked him to let me sit down; he said he "couldn't bother with any thing like that; the keeper must use his own discretion;" the keeper said "no, he couldn't let me sit down;" then I was put in the mounting shop, that is where I was working until I was moved over here, a month or six weeks ago; this work in the mounting-shop was very heavy work, lifting and carrying heavy castings of the large furnaces; my leg began swelling again and I applied to Mr. Dickey and Mr. Richards to give me some work that wouldn't have such a strain on my leg; I couldn't get any satisfaction and I went to the doctor about this leg and explained the treatment I had received before; that I felt satisfied that one or both of the wounds were opened; he paid no attention to me; I merely asked him to explain to Mr. Dickey the condition I was in that they might place me in the contract where there was not so much strain on my leg; the place where I am at present for instance.

Q. How long have you been on this work? A. From six to eight weeks; well, the doctor said, "I understand your case, you can't get out of that shop, you have got the syphilis;" and I tried to explain to him and he was very angry; he said, "you go back to your shop and stay there;" I continued there until one afternoon suffering so much agony with it that I asked the keeper to let me go to the hospital; the doctor wasn't there, but the dispensary steward said, that "I ought to lie down, but that he had no authority to let me go to the cell," and I went to the keeper; he said, "he had no authority to let me go, the only one who could excuse me was Perry & Co.," and I asked him to take me to the principal keeper, and he said, "I understand you, if you don't get to work I will find some way to make you," and I went back and resumed my work and the wound reopened; God only knows what would have been the result, but the convicts around me took the heavy work.

Q. What did the doctor say — that he had nothing to do with it, that no one but Perry & Co. could excuse you? A. No, sir; it was the keeper said that.

Q. Well, he could excuse you upon an order from the doctor? A. Yes, sir.

By Mr. O'BRIEN:

Q. How is it with the food or victuals? A. I have no fault to find with the victuals; this is a State prison and I don't expect to get hotel fare here; it is healthy food and plenty of it.

By Mr. KELLY:

Q. How about the coffee? A. Well, the coffee is not good; but you don't expect to get "Java" here; it is simply bread; there

was a time when we used to get water, but this is warm and better than water ; I want to say in regard to this matter, when I was driven to this extreme I saw no prospect before me except to be done up, I demanded to see the warden ; the keeper refused to let me see him ; twice I made the same demand and he refused each time ; then I thought I would get around him in another way, and I asked him to let me see the chaplain and he wouldn't let me see the chaplain ; he asked me " what I wanted to see him for," and I told him it was a private matter.

By Mr. McDONOUGH :

Q. What keeper was that ? A. Miles Carroll ; if I had been a Roman Catholic they couldn't denied me the priest ; it seems they do as they like in regard to letting a man see the chaplain.

By Mr. O'BRIEN :

Q. How often do you have a change of shirts ? A. As a general thing the shirts are changed once a week, but I have been six weeks without having my underclothing washed, and the whole shop.

Q. In case of a break-down ? A. In case of a break-down, so stated.

By Mr. SHELDON :

Q. How long ago was that ? A. Six or seven months ago.

By Mr. KELLY :

Q. How about the contract work ? A. The contract never stops ; if they break down they fix it up at night.

By Mr. O'BRIEN :

Q. Except that one time you have always had a change once a week ? A. Not always ; that was the last time ; it used to be that we would go two or three weeks ; but lately, for the last six months, they have been pretty regular.

By Mr. SHELDON :

Q. Do you have to remain in the same shirts in your cells that you work in ? A. I never worked in the foundry only once and then they gave me two woollen shirts and then of course I could change.

Q. How about the emery wheels, do they give them a change of shirts there ? A. No, sir.

Q. Do you think your health was injured while working on the emery wheels ? A. I am certain it was.

Q. By the dust or because of your standing ? A. By both, I was troubled by catarrh which has got down in my chest.

Q. Have you seen any article published in the *Herald* lately ? A. Not recently ; I haven't seen any article since the first article by Mr. Campbell giving dates and names.

Q. Do you know any thing about the getting up of that article ?

A. Yes, sir.



Q. Do you know who wrote it? A. Yes, sir.

Q. Will you tell us? A. It is no secret now; I am the man who wrote it.

Q. Did you write it as it appeared in the *Herald*? A. Very much, the article in regard to the warden, I didn't write that; I had nothing against the warden; I feel that he is an honest and upright man; in regard to Pulcato's being in the dungeon, I did not write that he was showered and the chaplain stood there and saw him showered.

Q. They supposed him to be out of his mind? A. He was insane, there was no doubt about that.

By Mr. McDONOUGH:

Q. What did you understand he was showered for? A. In order to get him out of his cell; he refused to come out.

Q. Did they wish to transfer him? A. They wished to transfer him; he was transferred that night.

Q. You don't mean to say that he was punished for any thing he had done before? A. No, sir, he was an insane man.

By Mr. SHELDON:

Q. He was dangerous to approach? A. If I was as strong as some of these keepers I don't think I would be afraid to attack any of these prisoners.

By Mr. McDONOUGH:

Q. What does Joe Coburn do? A. He is a waiter in the mess-room.

Q. Been at that steadily? A. Been at it since he came to the prison.

Q. Is that considered a difficult position? A. I wish I had it during my time, I wouldn't consider it any labor.

Q. Did he get that for good behavior? A. That I couldn't say; he got it at the time he first came here to the prison.

Q. How does he treat the prisoners? A. That I don't know; I never came in contact with him.

By Mr. SHELDON:

Q. You go to the mess-room with the other prisoners? A. Yes, sir.

By Mr. KELLY:

Q. Do you know any thing about the tasks of the prisoners? A. Yes, sir, I have seen men expected to do the tasks here that foremen and instructors receiving \$14 and \$15 a week couldn't do; can't do it to-day if they were put at it.

By Mr. SHELDON:

Q. Are their tasks given to them in reference to their ability to do them? A. No, sir, the man that is a mechanical genius gets the same job as a dunce, and if the dunce is not able to do it the paddle comes in to play, then he is removed.

By Mr. KELLY :

Q. From this prison? A. No, sir, from the contract; I know of a man that was unmercifully paddled, according to his statement, he was only here a few weeks and was put in the laundry, run short and was punished; this short work is put against him; he had 300 or 400 against him, that is before he was able to iron; understand me he hadn't been here over a month.

By Mr. KELLY :

Q. How does he make up for that, does he have to stay here? A. No, sir, that is not expected; there was an instance of a man who was told that he might go out as soon as he got his short work done and the others turned in and helped him, that is not a general thing; this man I was speaking of, after having been punished so much, the foreman then, the convict who runs the laundry and who is a life man and who has been promised a pardon, he became convinced that he never would become a laundry man, and he put him on Perry & Co. contract and he has never been punished since.

Q. He is able to do his work there? A. Yes, sir.

By Mr. SHELDON :

Q. You say this is your second term? A. No, sir; my third term.

Q. Is your treatment worse than it was before? A. Yes, sir; it never was so bad before. When Mr. Biglin was keeper he told the keeper to keep his man in his cell, and the next morning he went and saw the prisoner and interviewed him, and if he concluded to punish him he told him what it was for.

By Mr. KELLY :

Q. Was the contract system in vogue here when you were here before? A. It was the contract; I wasn't here before that but a short time when I was transferred to Clinton; they were running the mine; they had just got a meat contract then; when I was discharged they had just got the railroad started.

By Mr. O'BRIEN :

Q. Were you on the railroad? A. Yes, sir.

By Mr. McDONOUGH :

Q. What was your business? A. I was a steam and gas-fitter; when I was obliged to abandon that I took up engineering.

By Mr. KELLY :

Q. Were you sent up for larceny each time? A. Burglary the last two times.

By Mr. KEYES :

Q. You have worked at State work and contract work both? A. Not here; I worked at State work at Clinton.

Q. You have had experience under both systems? A. Yes, sir.

Q. Which do you prefer? A. I should prefer the State work.

Q. Is that a common feeling among the convicts? A. Yes, sir.

Q. On what grounds? A. On the grounds that they don't receive so much ill-treatment.

Q. Do you attribute the ill-treatment of the convicts to the contractors? A. I do undoubtedly.

Q. How is it to the interest of the contractors to increase the severity of the punishment? A. In this way, by making an example of one or two men they think the others will take warning; I know a man here with the hip disease, he is compelled to labor on the contract, I saw him come out of his dungeon yesterday morning.

Q. Is there a feeling among the prisoners that it is a sort of a degradation or slavery to be put at work for the contractors rather than for the State? A. No, sir; I don't understand any such thing as that.

Q. Only that their work is harder? A. Only that their treatment is more severe; there is an impression that every consideration is swept aside in the interest of the contractors.

Q. Do the prisoners complain that the work required here is greater in amount, greater in quantity than is required of men in outside shops? A. You can hardly make a comparison; in the first place in the foundry they have no pattern makers, the patterns come out rough and the men are required to use them and they are required to do their work with them, so you can hardly make a comparison; I have seen men come here who had worked twenty and twenty-five years for Perry & Co., they were not able to do the work that a convict beside them was doing.

By Mr. KELLY:

Q. Do you consider the labor in the shop of any service to you? A. I consider it of no service whatever; I have an impression that the work is fixed by the contractors.

By Mr. KEYES:

Q. State what knowledge you have on that subject? A. It comes from their office directly, nailed up on a post.

Q. You don't know but that may be arranged between the contractors and the officers? A. Oh, I couldn't say as to that.

By Mr. O'BRIEN:

Q. But the writing is the hands of the contractors? A. In the hands of the contractors' clerks.

By Mr. KEYES:

Q. You prepared certain writing for Campbell in regard to abuses in the prison, I understood you to say? A. Yes, sir.

Q. That was when? A. In January.

Q. You received a communication from Mr. Campbell asking for such information? A. No, sir, I did not; there was a letter sent here for me, I understood.

Q. Did you know who wrote it? A. Mr. Campbell ; his name was signed to it ; I was shown the letter.

Q. Did you know Mr. Campbell? A. I had seen him in Clinton prison and here, but I had no acquaintance with him.

Q. You learned from this letter the information that he wanted? A. No, sir ; I saw that Mr. Campbell had published statements as to the contract system. I saw that in the paper, and I knew the way I was treated there was nothing but for me to go up on the hill.

By Mr. KELLY :

Q. What do you mean by going on the hill? A. Dying ; and I felt that, if I had to die, I would show them up before I went.

By Mr. KEYES :

Q. You say another prisoner showed you that letter? A. Yes, sir.

Q. Who was that prisoner? A. Maher.

Q. Maher had received the letter from Campbell? A. No, sir ; he got the letter from somebody else. The names were cut out ; this was after I had seen the articles of Campbell's, I didn't send the article directly to Campbell, I sent it to a friend of mine in New York. I never had any communication with Mr. Campbell, I never spoke to him.

Q. Who is your friend in New York? A. I had rather not mention that, if you would excuse me.

Q. You were aware that it was in violation of the rules of the prison? A. Yes, sir, I understood that ; but desperate diseases require desperate treatment, what was I to do? Suffer death?

By Mr. SHELDON :

Q. When you were in the dungeon what was your food? A. I received simply three slices of bread each evening.

By Mr. KELLY :

Q. Intervals? A. Intervals of 24 hours.

By Mr. SHELDON :

Q. Coffee? A. No, sir.

Q. Water? A. Yes, sir.

Q. The dungeon is not a dark one? A. No, sir ; twilight.

Mr. KEYES — Mr. Chairman, do you think this witness ought to be excused from answering the name of that party?

Mr. O'BRIEN — I don't know that it is necessary that we should have it.

Mr. KELLY — I don't think we ought to have it. I don't see how you would reach it.

WITNESS — When I made a compromise with Mr. Dixon, I didn't know I was to be brought before any committee. He proposed to drop it, and I proposed to drop it, and he wanted to know who this friend was ; he said that he only wanted to know who it was, but he went to New York and saw him ; that's the way he kept faith with me, and he denied it. There was nothing for him to do but deny it ; the more inquiries you make the more they would deny it.

By Mr. KEYES :

Q. This letter you received, was Mr. Campbell's name signed to it ?

A. Mr. Campbell's name was cut out, and the name of the one to whom it was sent was cut out.

Q. Was it addressed to any one ? A. That was cut out, and the name at the bottom was cut out ; but, of course, there was no doubt as to whom the man was ; it is a well-understood fact that it was Campbell.

By Mr. O'BRIEN :

Q. Who is this man who signs himself " X " ? A. I don't know.

By Mr. KEYES :

Q. Do you know Dominick Calorin ? A. I have seen him here.

Q. Have you been punished in any way in regard to this communication ? A. I have never been punished, except the time I had this conversation with Mr. Dickey.

Q. You never were punished on account of this communication ? A. I was there three days and one-half ; Mr. Dixon passed me by the next morning, and at night when he brought me over he threatened me, what he would do about it ; said he would make me sorry ; of course I knew what he meant ; I asked him what he was going to do ; the next morning he asked me point-blank if I had seen this communication ; I told him yes, that I had no intention of selling it ; I merely did it to save myself.

Q. Is there any further statement you would like to make to the committee in reference to your situation in the prison, in reference to the management of the prison ? A. I don't think it would be politic for me to go any further, I have got a long time to stay here.

Q. If Mr. Brush, or the principal keeper and the officers of the prison, had been present during this examination would you have felt restrained in making your statement ? A. No, sir ; Mr. Dixon asked me one day in this room, he had another convict here and he asked him if he hadn't used him all right, and he said, " yes." He asked me, haven't I used you all right, and I said " no."

Q. Do you think the prisoners generally would be deterred from telling all they know in the presence of the keepers ? A. Yes, sir, and in their absence.

Q. Do I understand that you are withholding an important statement on the ground that you fear you would be punished ? A. That is about the way I feel ; there is a disinclination on my part to impart any information that might get me into trouble.

By Mr. SHELDON :

Q. Do you know how you stand in relation to your short time ? A. I have been told by Mr. Brush that I would receive all my short time provided I stopped and did no more, that was the understanding. Mr. Dixon told me it came from Mr. Brush.

Q. I understood you to say there was no way that you could have access to Mr. Brush ? A. No ; I simply said I had been denied access to him. There is a keeper here that told another that he had been

hoping for a long time that I might fall down dead, that is a nice statement for an official to make regarding an unfortunate convict, isn't it? Now a man that would express that would have no desire to help me along if I didn't suit him; the same man I can prove has been trading with the convicts, paying them for things they have given him.

By Mr. KELLY:

Q. Who is that? A. Miles Carroll, getting them to make fancy articles for him and paying them for them.

By Mr. KEYES:

Q. Is there any thing further you would like to state? A. There is one thing I would like to call your attention to, the matter of cleanliness, there is no means furnished for cleanliness; when I first came here I was put in a barrel with three or four inches of water in and given a towel to dry myself; if I happened to be the first one who used it it might be clean but like as not half a dozen others had used it; the fourth of July the men were taken out and allowed to get a bath, that is the only facility except the little kit they have.

By Mr. SHELDON:

Q. If they get through their tasks can't they wash themselves? A. They could if they had facilities, I haven't had a chance to bathe since last August, I feel that it is keeping me sick.

By Mr. KELLY:

Q. Ever asked? A. I have too much sense to do that.

By Mr. SHELDON:

Q. Those that work in the foundry, can't they wash? A. They can if they finish their tasks, if they furnish their own facilities by getting an old barrel or something of the kind.

Q. Isn't it a common thing for them to wash? A. It is in the foundry if they finish their task, men will wash in any thing they can get pails or any thing, I always make it a rule to wash every morning in the shop.

Mr. Brush calls and states that a *Herald* reporter wishes to know whether the committee are going to hold any public examinations of witnesses. The committee decide that having decided the matter and other reporters having gone away it would not be well to change the rule now.

By Mr. KELLY:

Q. Have you any thing further to say? A. No, I prefer not to say any thing more.

By Mr. McDONOUGH:

Q. Haven't you told all you care to? A. No, sir; not by any means; I have talked about my own case.

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Q. There is nothing you could say further that would cause your punishment if this would not cause them to punish you? A. I could give you a list of the names of those who were punished, they are in the shop, of men who are ready to testify they have been severely punished; there is John Canary, John Campbell, Charles Marvel, George Lewis Spierman, Charles Nuger, these were all men from the laundry, William Smith, now on Perry & Co. contract, there is another William Smith, there is Jerry Sullivan, these men claim that their lives have been threatened here.

By Mr. KELLY :

Q. Do you think the paddling has been in the interest of the contractors or for the discipline? A. The prison discipline.

Q. If the contractor is to pay for a man's work and he is paddled don't he lose his work? A. They are put right back and expected to do their work, and they are paddled again if they don't do it.

Mr. O'BRIEN — He don't know whether that man's work is paid for or not, I know that when he is sent to his cell that man's work is not paid for.

WITNESS — Before I go, gentlemen, it seems a very simple question to ask what State prisons are for?

By Mr. SHELDON :

Q. They ask you what you come here for? A. That was the crime that I was sent for; this doubling-up system, that is a bad thing.

By Mr. KEYES:

Q. Are you doubled up? A. No, sir; I was doubled up once; this man that you had here before me he was hall clerk; we had had several arguments as to this business; I claimed it was not true, he said that "it was," so I was put in with a man; the next morning I woke up and I found that man with my penis in his mouth, and I gave him quite a crack with my knee, and I went to the keeper and I asked him to take me out. The keeper must have known it, for he said "he isn't fit for any one to be with."

By Mr. KELLY:

Q. Do you know of any other case? A. Yes, sir.

Q. Of sodomy — ever hear of it? A. Yes, sir; there are men sent here for that crime and they are put in with other men and I know another fellow here, he is the very idea of a Basha Bazouk — he is sent here for sodomy.

By Mr. O'BRIEN :

Q. You think it is injurious to the prisoners' health to double up? A. It must be.

By Mr. McDONOUGH:

Q. One bed? A. They put two beds in a cell.



By Mr. SHELDON:

Q. Don't you think some men prefer to be doubled up? A. Oh, yes, those sodomites do.

Q. Well, I mean intelligent men? A. Oh, I don't know, some of them may; the man that slept with me complained that he couldn't sleep from my moaning and groaning all night with my leg.

By Mr. McDONOUGH:

Q. You think the process of doubling up is bad on the health of the men? A. It must be; take it in July and August there is two buckets there and those men in there and some times the smoke — you can imagine what condition it must be in by Monday morning.

Q. Is there any work done on Sunday? A. I know they did in the laundry until lately — I am speaking of what took place up to last January — they had to get out the dampening of their shirts over Sunday.

By Mr. SHELDON:

Q. Didn't the convicts object to it? A. Yes, sir.

Q. They wanted to go to church because the church was heated and they wanted to go to church for the heat on account of the warmth?

By Mr. KELLY:

Q. Do you know of any men who have worked on Sunday? A. Yes, sir; those men whose names I have given you in the laundry.

By Mr. SHELDON:

Q. I understood you to ask why we didn't ask why men were sent to State prison? A. No, I don't ask you that; if men are sent to State prison to make money, why, the contract system is the best that can be, but if you want to reform the prisoners that's another matter.

Q. As I understand to protect the public? A. That is one object, but some claim that it is for the reform of the prisoner. If you restore one man you benefit the public more than you would to pile money into the treasury.

Q. Well, the question might occur which the man would receive the most benefit from? A. Well, of course a man being sent to State prison of course he ought to be punished, but the punishment ought to be inflicted on him to protect the State; otherwise it is revenge.

By Mr. KELLY:

Q. You don't think under the contract system it can be brought up to your idea? A. It is simply impossible under the contract system to bring it up where it ought to be.

By Mr. O'BRIEN:

Q. I should think the men who had worked here would never want to come back again? A. Simply brings him down so low that he is degraded and he is fitted for nothing — it is brutalizing.

By Mr. McDONOUGH:

Q. You worked under the old system? A. Yes, sir.

Q. What benefit did it have on you? A. It didn't have any; when I went out I had nothing but my clothes and five dollars. I had nothing to eat for three or four days.

By Mr. KELLY:

Q. How long were you out before you were arrested? A. A little over two months.

By Mr. McDONOUGH:

Q. Have you any knowledge or do you know about women being here with the convicts? A. No, sir; I never heard such a thing.

By Mr. SHELDON:

Q. At the time when eggs were plenty you have eggs? A. Oh, we get eggs occasionally.

Q. When eggs are plenty you have a pretty good supply? A. Yes sir; so far as I have testified, I have testified that the food was good as any I ever found in State prison.

By Mr. O'BRIEN:

Q. Is the work as hard there at Clinton as it is here? A. It was not when I was there, because it was State work; the last work I did was splitting rails on the mountains.

By Mr. SHELDON:

Q. How is the hash? A. I have no fault to find with the hash, that is good enough; I find the men who live the worst outside find the most fault when they come here.

By Mr. KELLY:

Q. You find also that the men get used to it, being here a good while? A. I don't know; the more you feed on it the less you care about it; there is a great sameness about it; if you feed a man on roast turkey he gets tired of it.

By Mr. SHELDON:

Q. Your bread is always of an average good quality? A. Since warden Brush came here the bread is good; of course there is times when the bread is bad.

By Mr. McDONOUGH:

Q. Ever know of a keeper striking any convicts with their hands or kicking them? A. Not with their hands; I know I was punched in the side when I was being taken over to the dungeon.

Q. That must have been done by some one in authority? A. Yes, sir, the principal keeper.

By Mr. O'BRIEN :

Q. Who was that principal keeper ? A. It was Mr. Dixon ; it was when he told me he would fix me ; I told him it was a continuance of the same kind of abuse I was receiving ; he said, "you will get a good deal more;" then there was a man named James Douglass.

Q. What about Douglass ? A. Douglass says that he was in here one Sunday morning when a convict was brought in by the most powerful keeper in the prison.

Q. Who was that ? A. Mr. Middleton ; he is a very powerful man ; he could take this man and throw him across the room ; his name was Coles ; now this Coles on being brought here demanded to see the principal keeper before being punished ; that was the difficulty, a man is punished first and talked to afterward ; this Coles refused to be put in the dungeon until he had seen the principal keeper, and upon his refusal this powerful fellow hit him on the head and then he was put in the dungeon and kept there five days and paddled in the meantime and remained a month and was then carried to the hospital a raving maniac, and so I understand he remains to this day.

Q. You think this striking on the head—— ? A. And the other punishment afterward.

Committee adjourned for dinner.

#### AFTERNOON SESSION.

*John Harris*, called as a witness, sworn and examined, testified as follows :

By Mr. O'BRIEN :

Q. How long have you been in prison ? A. I have been in this prison five months.

Q. How long were you sent here for ? A. Four years and a half.

Q. What were you sent here for ? A. Burglary.

Q. Have you been punished since you have been in the prison ? A. Yes.

Q. When ? A. I was punished about three weeks ago.

Q. What were you punished for ? A. Short work.

Q. Where do you work ? A. Shoe-shop.

Q. Couldn't you do the task given you ? A. No, sir.

Q. How were you punished ? A. I was paddled and locked in my cell.

Q. How many strokes did you get ? A. I don't know.

Q. Couldn't you tell ? A. No, sir, I couldn't tell.

Q. Have you been laid up any after you had been paddled ? A. No, sir.

Q. Did you go to work the next day ? A. No, sir.

Q. How long were you laid up ? A. I was locked in my cell, locked in usually

Q. In the dark cell ? A. Yes, sir.

Q. You were in there how long ? A. I was in there two days.

Q. What did you get while you were there, in the way of rations?  
A. Bread and water.

Q. How much about? A. Three pieces.

Q. Three pieces a day? A. Yes, sir.

Q. Well, since you have been put back on the contract have you done your work regular? A. Well, he has given me less to do.

Q. You don't know how many strokes you got? A. I got paddled so I couldn't sit down.

Q. How long ago were you paddled? A. About three or four weeks ago.

Q. You are not sore there now? A. There is a couple of ridges there.

By Mr. McDONOUGH :

Q. Who was your boss in the shop? A. Mr. Holley.

Q. When you were first put on your task was it as much as it is now? A. No, sir, it was not.

Q. They gradually increased it? A. Yes, sir.

Q. When you were punished what was your task? A. We have got seven hours to do the work in; I didn't have any lasts and I went and told the keeper I was waiting for lasts; he told me he would see Mr. Holley about it, he told Mr. Holley about it; he said: "You have nearly got your day's work," I was twenty pair short, I was an hour short and I got locked up.

Q. Why did he reduce it afterward? A. He didn't reduce me, he put me where there wasn't so much to do; I was doing 160, now I am doing 180.

Q. You could have done that day's work if you had had your lasts?  
A. Yes, sir.

Q. You were punished that day because you didn't have the lasts?  
A. Yes, sir.

Q. Who was to blame for your not having the lasts? A. The contractors.

Q. Do you mean to say you were punished because you didn't have the lasts? A. Yes, sir; he said I kept the teams behind.

Q. When you got in there you were here only five months, at the beginning what was your task? A. I didn't get any task at all.

Q. They increased you gradually? A. Yes, sir.

Q. Are you expected now to do as much as the others in the shop?  
A. Yes, sir; it is about a month ago that I got paddled; I found I had about as much as I could do to get my wash and get in the shop.

Q. Do you take a bath? A. No, sir, I wash my face and hands.

Q. Do you take a bath? A. If you can get your task done you can wash in the tub that you soak your leather in.

By Mr. KELLY :

Q. You are not obliged to take that bath by any rule of the prison?  
A. No, sir.

Q. Any rule of the prison requiring you to bathe? A. No, sir.

By Mr. O'BRIEN :

Q. If you shouldn't get your task done when the whistle blows you have to go without washing? A. Yes, sir — when the bell rings to

wash up — the bell rings fifteen or twenty minutes before we leave, if your work isn't finished when the next bell rings you have to go without washing.

By Mr. McDONOUGH:

Q. Can you give us an idea of the number of strokes you got? A. It was fifty-four times — the man counted in the jail, it was about fifty.

By Mr. SHELDON:

Q. Did he stop a while and rest? A. Yes, sir.

Q. And when he stopped you had a chance to promise to do better? A. Yes, sir.

By Mr. O'BRIEN:

Q. Did he ask you to promise to do better? A. He didn't ask me, I was telling them.

By Mr. SHELDON:

Q. Then he wouldn't let up on you? A. He didn't let up until the doctor said so — that is just the whole there is about it.

By Mr. O'BRIEN:

Q. Who was paddled here two or three days ago? A. I don't know.

By Mr. SHELDON:

Q. How long ago was it you were paddled? A. It is three weeks ago — I have got a brother here that was paddled a few days ago — I was so blistered I couldn't lay down on that side at all.

By Mr. O'BRIEN:

Q. Were you and your brother on the same contract? A. He is in the laundry.

By Mr. McDONOUGH:

Q. Did the doctor give you any liniment? A. No, sir.

Q. When were you ever punished before that? A. Twice before that — just locked up in my cell.

By Mr. SHELDON:

Q. Is it best to be paddled and have it done with or be locked in the dark cell? A. Oh no one likes to be paddled.

By Mr. McDONOUGH:

Q. Well, that is about the knowledge you have of the management? A. Yes, sir.

Q. How as to the victuals? A. Oh they suit me.

Q. And the bedding? A. The bedding is good enough.

Q. What acts of cruelty on the part of keepers have you witnessed?  
 A. I saw a night long ago a man knocked down in the company and hit with sticks.

By Mr. O'BRIEN :

Q. Where was that? A. Right up here.

Q. What for? A. Not getting out of line when they told him to.

By Mr. SHELDON :

Q. Not getting out of the line when they told him to? A. Yes, sir.

Q. And they knocked him out? A. Yes, sir—with the sticks they had.

By Mr. O'BRIEN :

Q. It takes you all the time you are out to do your task? A. Yes, sir.

Q. How many pairs of shoes do you make up? A. One hundred and eighty pairs.

By Mr. KELLY :

Q. Was you ever here before in this prison? A. No, sir.

Q. Any other place where you ever worked at shoes? A. No, sir; never worked at shoes before.

By Mr. McDONOUGH :

Q. Ever seen any prisoners washed out of their cells? A. No, sir.

By Mr. SHELDON :

Q. Ever seen any of the cells not kept clean? A. No, sir; not only in the dark cell.

Q. Isn't that clean? A. No, sir; it is all dust.

By Mr. O'BRIEN :

Q. Were you weak when they got through flogging you? A. Yes, sir.

Q. You could walk? A. I couldn't walk—they carried me back into the cell.

Q. Who carried you back? A. Two relief officers.

By Mr. KELLY :

Q. Where did you come from—New York? A. Yes, sir.

By Mr. SHELDON :

Q. You say you have been in prison before this? A. Yes, sir.

Q. Where? A. In the penitentiary.

Q. Where? A. In New York.

Q. You worked there? A. Yes, sir, I worked at my trade there.

Q. What is your trade? A. Painter.

By Mr. O'BRIEN :

Q. How long were you in the penitentiary in New York ? A. Six months.

Q. You don't know anybody else except your brother who has been whipped since you have been flogged ? A. No, sir.

By Mr. SHELDON :

Q. What did you have when you were in the dark cell ? A. Three slices of bread every night.

Q. Coffee ? A. No, sir.

By Mr. O'BRIEN :

Q. You got those three slices of bread in the evening ? A. Yes, sir.

Q. That would have to last you till the next evening ; did you get anything else to eat ? A. No, sir, that is all they have till the next night.

By Mr. SHELDON :

Q. Have any bed ? A. No, sir.

Q. You can sit down, can't you ? A. You can't sit down on nothing ; it is built so you can't sit down.

Q. You have a bucket ? A. No, sir, it is an iron thing ; it is stationary ; you might as well sit on the floor as on an iron thing.

Q. Don't have any thing to keep you warm there ? A. No, sir.

By Mr. McDONOUGH :

Q. Isn't it warm in that part of the building ? A. It is the coldest place I ever felt.

By Mr. O'BRIEN :

Q. Who is your keeper ? A. Mr. McMann.

Q. How does he treat his men ? A. He treats them well enough.

Q. How as to the principal keeper ? A. If you don't get reported to him he is good enough.

By Mr. SHELDON :

Q. Do you expect to make up for what you lose here to-day ? A. Yes, sir.

Q. Then the sooner you get out the better it suits you ? A. Yes, sir.

By Mr. O'BRIEN :

Q. What is the amount that any man has got to make there at the shoes ; how many shoes does any one man make there ? A. A hundred and eighty ; but there is one man in the shop that pulls over three hundred and sixty.



Q. He pulls them over and another man puts in the insoles? A. Another man puts in the insoles and he sits there and pulls them over.

Q. Have you any knowledge of how many they manufacture outside in shops; a man in a day? A. No, sir.

Q. Don't know? A. No, sir.

By Mr. KELLY:

Q. Does the prison have an overseer?

By Mr. O'BRIEN:

Q. The contractor has an overseer there; doesn't he, and the prison has an overseer? A. Yes, sir.

By Mr. KELLY:

Q. Do they both oversee the work? A. If the contractor sees you he reports you; they send down and report you, and then you get punished.

Q. The prison overseers don't have any thing to do with driving you at your work? A. No, sir.

Q. It is the contractor overseer? A. Yes, sir, it is the contractor.

*Frank Harris*, called as a witness, being duly sworn and examined, testified as follows:

By Mr. O'BRIEN:

Q. How long have you been sent here for? A. Three years.

Q. How long have you been here now? A. The twenty-first of last month I was here five months.

Q. What were you sent here for? A. Burglary.

Q. Have you been punished since you have been in the prison? A. Yes, sir.

Q. How long ago? A. About three months ago.

Q. Haven't you been punished since? A. No, sir.

By Mr. KELLY:

Q. How old are you? A. Seventeen going on eighteen; I can't get along with my work and I expect to get punished every minute.

By Mr. O'BRIEN:

Q. Can't you do your task? A. No, sir.

Q. Where are you at work? A. In the laundry.

Q. Ironing? A. Yes, sir.

Q. How many shirts do they ask you to iron? A. They ask me to iron twenty-six, and I told Mr. Dickson that I wasn't a man, I was only a boy, he said I would have to do as much as a man anyway.

Q. How much do they ask of a man there now? A. Twenty-six.

Q. They ask you to do as much as a man? A. Yes, sir.

By Mr. KELLY:

Q. How long ago were you punished? A. Three months ago.

By Mr. O'BRIEN :

Q. You can't do your task ? A. No, sir.

Q. How many can you do ? A. I can't do them, that is, well, I can do about twenty good.

Q. You must have been sent here with your brother ? A. No, sir, I was sent here before that.

Q. On the same charge ? A. No, sir.

By Mr. McDONOUGH :

Q. Father and mother alive ? A. Yes, sir.

Q. Got any brothers besides this ? A. Yes, sir.

Q. How many ? A. four.

Q. Where are they ? A. At home.

By Mr. KELLY :

Q. Was you paddled ? A. Yes, sir, and in the dark cell three times.

By Mr. O'BRIEN :

Q. How many strokes did you get when they punished you ? A. Ten.

By Mr. SHELDON :

Q. You counted them, did you ? A. Yes, sir.

Q. Was your flesh cut ? A. Yes, sir, it was all bleeding.

By Mr. KELLY :

Q. When he stopped you told him you would try ? A. Try and do my work.

By Mr. O'BRIEN :

Q. Did he stop every time he gave you a stroke ? A. He kept on saying "will you do your work" ? "will you do your work" ? And I told him I would try.

By Mr. KELLY :

Q. The work is not so hard ; it is because it is too much that you can't do it ? A. Yes, sir, there is too much of it.

By Mr. McDONOUGH :

Q. What did you begin on ? A. I began on six ; next day eight, next week ten and so on like that every week until I got twenty-six

By Mr. O'BRIEN :

Q. How long were you in here before you were punished ? A. I was punished when I was in here a month and a half ; then went in the jail ; I came out two weeks and I got put in and then I was out four weeks and I got put back and got punished.

By Mr. SHELDON :

Q. How long were you kept in each time? A. I was put in at night; I was in all day Saturday and Sunday, and let out Monday morning.

By Mr. O'BRIEN :

Q. Were you cut in more than one place? A. No, sir.

Q. The skin was broken in only one place? A. The skin was broken all over; in me back here.

Q. How long before you got well? A. About a week.

Q. Did you have any liniment or plaster, or any thing of that kind? A. No, sir, I didn't take nothing.

Q. Go on and state what the other convicts say about the work of what they have got to do in the shops? A. They can't do it.

Q. They say they can't do it? A. They say they can't do it.

Q. Who says so? A. Kane, he works behind me.

Q. He says he can't do the work? A. Yes, sir.

Q. Any others who complain? A. There is Smith, William Smith.

Q. Either of those been punished? A. Oh, yes, they have been punished several times.

Q. Do they do their tasks now? A. They do their tasks now, but they don't do it good.

Mr. O'BRIEN — Well, Mr. Keyes, have you any questions to ask?

Mr. KEYES — No, you have probably covered all the ground.

By Mr. McDONOUGH :

Q. Were you here when that young man jumped over from the stoop, from the corridor? A. No, sir.

Q. That was before you were in here? A. Yes, sir.

Q. Where did they take you to paddle you? A. Right in here (indicating).

Q. Is that the strap that hangs there, about that length (indicating)?

WITNESS — It is about that length (indicating).

Q. Is that it (exhibiting a paddle)? A. Yes, sir; I guess that is the one.

By Mr. O'BRIEN :

Q. It don't seem as though that ought to hurt any one? A. Oh, they had it bigger than that.

By Mr. KELLY :

Q. It was like that? A. Yes, sir.

By Mr. McDONOUGH :

Q. They use one hand, don't they? A. Sometimes they use two.

Q. How do you like the food, Frank? A. I like what I get well enough.

Q. Do they give you enough of it? A. Yes, sir.

By Mr. KEYES :

Q. Were you paddled ? A. Yes, sir.

Q. You think that is the paddle you were paddled with ? A. No, sir ; I don't think that's the one they paddled me with.

Q. How long ago were you paddled ? A. Three months ago.

Q. What were you paddled for ? A. Bad work, and not doing more work.

Q. How many times did they strike you with the paddle ? A. Ten times.

Q. Did they give you a chance between the strokes to promise to do better ? A. Yes, sir ; struck me two or three times and then stopped.

By Mr. McDONOUGH :

Q. Did he give you time before he paddled you to promise to do better ? A. No, sir.

Q. Struck you first ? A. Yes, sir.

By Mr. KEYES :

Q. Do I understand you to say he struck you first, and then gave you a chance to say you would do better ? A. Yes, sir.

Q. And then did you say you would do better ? A. I kept on saying so.

Q. I understand if you had yielded and consented to do the work he wouldn't have struck you more than twice ? A. I told him before he struck me ; I said, " Mr. Dickson, if you will let me go this time I will do better."

Q. Then he struck you twice ? A. Yes, sir.

Q. What did he do then ? A. He kept on.

Q. Did he strike you twice, and then you said you would do better ? A. Yes, sir.

Q. And then he struck you twice more ? A. Yes, sir.

Q. And then did he ask you if you would do better ? A. Yes, sir.

Q. And then did he keep on after that ? A. Yes, sir.

By Mr. O'BRIEN :

Q. Was the doctor there ? A. Yes, sir.

Q. Did he stand there ? A. Yes, sir.

Q. Did the doctor tell him to stop ? A. No, sir.

Q. He stopped before the doctor said any thing to him ? A. Yes, sir.

By Mr. KELLY :

Q. Did Mr. Dickson do the paddling ? A. Yes, sir.

By Mr. SHELDON :

Q. Do you know of any one who has been struck a hundred times ? A. No, sir.

Q. Never heard any one say that he had been struck 100 times ? A. No, sir.

*Edward Smith*, called as a witness, being duly sworn and examined testified as follows :

By Mr. O'BRIEN :

Q. How long have you been here ? A. I am here, it will be twenty-two months the fifteenth of this month.

Q. What were you sent here for ? A. For grand larceny.

Q. How long were you sent here for ? A. Three years.

Q. Have you been punished since you have been here ? A. Six or seven times.

Q. How long since you have been punished last ? A. The last punishment I had was the 13th of June, 1881.

Q. You were punished how many times, seven ? A. Yes, sir, six or seven times.

Q. How were you punished ? A. I was paddled.

Q. What for ? A. Bad work.

Q. Couldn't do your task ? A. Yes, sir, I could do the work but they would chuck my work back into the wash and I would have to do that over.

Q. How many strokes did they give you at any one time ? A. I should say that I got between twenty-five and thirty strokes.

Q. At a time, at one time ? A. At one time.

Q. Who was the principal keeper then, Mr. Dickson ? A. I was punished under two principal keepers, I was punished under Mr. Bowes and Mr. Dickson.

Q. After he started to punish you did you tell him you would do your task if he would let you go ? A. I told him I would do the best I could to do it right, it was very seldom I run short, but I would make it up the next day ; it wouldn't do any good if I got up because I would have to do my wash over and I couldn't get along with it.

Q. When you were punished was the doctor there ? A. Yes, sir.

Q. Did they punish you until the doctor told them to stop ? A. I couldn't see that, I know the doctor was there till they stopped.

Q. Why couldn't you see ? A. No, sir, I was up against the wall.

Q. How long were you sore after you were paddled ? A. I don't know, it was five or six days before I could lay on my side.

Q. Put in the dark cell ? A. Yes, sir ; I was in the dark cell fourteen days.

Q. What did they give you there while you were there ? A. A small ration of bread every twenty-four hours.

Q. Did you use any liniment or plaster ? A. Yes, sir, I had got the liniment to use for my leg.

Q. Did you get that to doctor the blows ? A. No, sir, I used it for this leg here that I hurt.

Q. How did you hurt that leg ? A. By jumping off the laundry stairs.

Q. Why did you jump off there ? A. I didn't know what I was doing.

Q. You were afraid they were going to whip you ? A. They told me I was going to be punished and I didn't know what they were going to do.

By Mr. SHELDON :

Q. When was that? A. That was last July.

Q. Is that what they punished you with? (exhibiting a paddle). A. I couldn't tell, I didn't take any notice of the paddle.

Q. You know you couldn't do the task and knew they were going to punish you? A. Yes, sir.

Q. And you thought it would be better to jump off? A. No, sir, I didn't know what I was doing, I was completely off my senses.

Q. Lost your mind? A. Yes, sir.

By Mr. KEYES :

Q. Have you seen any other prisoners paddled? A. No, sir.

Q. Were you paddled every time you were punished? A. I was punished every time I was in the dark cell.

Q. Six or seven times? A. Six or seven times; I think it was seven times, I am sure it was six times.

By Mr. KELLY :

Q. Where did you jump from? A. The laundry stoop.

Q. Have you been paddled since that? A. No, sir.

By Mr. O'BRIEN :

Q. How high was that? A. I should judge it was twenty-seven feet, twenty-four to twenty-seven feet, I sprained my ankle and hurt my wrist, I was put in the hall, they put me in the keeper's mess-room.

Q. You are there now? A. Yes, sir.

By Mr. KELLY :

Q. Ever been arrested before? A. No, sir.

Q. This is the first time? A. The first time I have ever been arrested.

Q. How about your food? A. Oh, I can't complain about the food now.

By Mr. KEYES :

Q. At the time you jumped off the gallery you knew they were going to punish you? A. I was told by my keeper they were going to punish me.

Q. You had been punished before that? A. I had been paddled four times before that.

Q. The punishment was very severe? A. Yes, sir, it made me all out of my senses.

Q. When you found you were going to be paddled this time you were so nervous about it it turned your brain? A. Yes, sir, I was back on my work and the keeper told me I was to be punished and I stood there and I came back with more shirts and I don't know what I done until I found myself in the hospital.

Q. When you struck the ground after jumping off, did you come to yourself then? A. No, sir.

Q. No recollection of any thing when you jumped off until you found yourself in the hospital? A. No, sir.

Q. How far was it where you jumped off? A. I couldn't tell you.

Q. Do you remember when you jumped off? A. I found myself in the hospital and then I thought of myself.

Q. You say he struck you ten times with the paddle? A. Yes, sir — every time I was paddled I got between twenty and thirty strokes.

Q. Did he commence paddling you and finish it before he spoke to you? A. No, sir — he spoke to me.

Q. How many times did he strike you before he spoke to you? A. Five times.

Q. Then he spoke to you? A. Yes, sir.

Q. What did he say then? A. If I would do my work.

Q. And then went on paddling you? A. Yes, sir; he struck me five or six strokes more and I said for God's sake let me go, I will do the best in my power, he said that is what I want you to do.

Q. And then went on paddling you? A. Yes, sir.

Q. Didn't you know it was the rule of the prison that if you promised to do better that they would stop the paddling? A. No, sir — I only knew the rule of the prison was to behave yourself.

Q. Were you ever punished for bad behavior? A. No, sir; only for being short in my work; every time I was paddled I was told it would put me back a quarter of a day's work and I would have to make it up.

Q. Did the paddle draw blood? A. It did on only one occasion, that was the last time I was paddled.

Q. The skin was not broken then only once? A. No, sir; only once.

Q. And the doctor was present? A. Yes, sir.

Q. And the warden? A. No, sir; only the doctor, the principal keeper, Mr. Westlake and Mr. Hornbeck.

Q. Did you ever see any prisoners paddled? A. No, sir.

Q. Have you seen one after he had been paddled, his person, his posterior? A. Yes, sir.

Q. Who? A. There in the laundry — I don't remember his name.

Q. What was his appearance? A. He was black and blue all over.

Q. Skin broken? A. No, sir; only bruised.

Q. Did you ever know of a convict being so bruised with the paddle so as to be unable to work? A. No, sir.

Q. Is it customary for the prisoner to be sent to his cell — excused from work that day? A. No, sir; unless the doctor excuses him.

Q. Have you been here five months? A. I have been here twenty-two months.

Q. How long had you been here before you were paddled? A. I came here in June and I believe I was paddled in September.

Q. When you came you were required to do about how much in the laundry? A. The first day I was put on five shirts, the next day ten shirts and thus I was raised two shirts every week until I reached twenty-six.

Q. Have you in any one day performed that task — twenty-six shirts? A. Yes, sir; I have performed as many as thirty — when I had my task done I would get my wash over.

Q. When you are well and in your full strength, can't you perform the task of twenty-six shirts a day? A. I did.



Q. Then why is it you can't do it along every day? A. I do do it along every day — but I can't do the wash over.

Q. That is you can't make up the loss on other days? A. No, sir.

Q. How long since you have been paddled for short work? A. I was paddled the last time the 13th of June, 1881, since that I have been taken off the contract.

Q. Where are you now? A. In the keepers' mess-room; I was took off the contract and put in the keepers' hall.

Q. How came you to be taken off? A. On account of my lameness — I was took out of the hospital before I was cured — since I was put in the keepers' mess-room I can sit down and rest myself.

Q. Have you any complaint now to make in regard to your work? A. No, sir.

Q. You can do it easily? A. Yes, sir.

Q. At the time you were paddled did you make any complaint to warden Brush? A. I have sent two letters through a night-guard, but I never received an answer.

Q. Did you ever have an interview with warden Brush? A. No, sir.

Q. Have you any complaint to make against the warden? A. No, sir; not that I know of.

Q. Have you been brought in contact with him in any way? A. No, sir.

By Mr. SHELDON:

Q. Don't he come around to see you? A. No, sir — I have seen him three times in the hall.

Q. You see the principal keeper frequently? A. Yes, sir.

Q. Does he ever talk with you? A. No, sir.

Q. Only when he punishes you? A. Yes, sir; that is the only time.

Q. Has he ever shown you any harshness except the use of the paddle? A. No, sir — every time Mr. Dickson paddled me he told me he was sorry, but I was short in my work.

Q. Have you any complaint to make against your keepers? A. No, sir.

Q. Do you feel perfectly free to tell all you have to say? A. I have no complaint to make against any one except Mr. Cable.

Q. Who is he? A. That was my keeper in the laundry.

Q. Is he there yet? A. Yes, sir.

Q. Did you think he had any grudge against you? A. I don't know, he was always behind me and told me I must do up my short work, and I would do it, and get the wash over.

Q. Have you any complaint to make of the citizen employees? A. No, sir, there wasn't any citizen employees there except one young man and I never had any conversation with him.

Q. As to the food, you are satisfied with that? A. Yes, sir, very well.

Q. As good as you could expect in a prison? A. Yes, sir.

Q. As to your cell? A. They are very comfortable.

Q. You are required to keep your cells clean, are you not? A. No, sir, we are required to keep it as clean as we can.

Q. Are there other keepers to keep the cells clean? A. Yes, sir,

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they are called hall men. If you want some clean straw you can ask for it and they will give it to you.

Q. You have woolen blankets? A. Yes, sir, we have three blankets.

Q. Are you doubled with anyone? A. No, sir.

Q. Were you ever doubled? A. I was doubled one month when I first came here.

Q. Did you like it? A. No, sir.

Q. Why didn't you like the doubling up? A. There was a party there, I couldn't agree with him.

Q. Did you find the air bad when you were doubled up in that way? A. Well it is in the summer time, it is too close.

Q. How is the air in the cells generally? A. Well it has been cold all winter there.

Q. On account of the outside windows being open? A. No, sir, the outside windows are closed.

Q. Didn't you have blankets enough to cover you? A. Yes, sir, after you get in bed and cover yourself up with your blankets you can keep warm.

Q. Do you have a light in your cells? A. Have a lamp there.

Q. Allowed to read? A. Yes, sir.

Q. Allowed to take books from the library, and read there in your cells? A. Yes, sir, until nine o'clock.

Q. Are you allowed to write? A. Yes, sir, once a month; I don't write, I have never wrote home.

Q. Where do you live? A. Up in the country.

Q. You are not here under your full name? A. Yes, sir, I am.

Q. Is there any thing further you wish to say to this committee about your situation here? A. I have got nothing to complain about anybody else at all; the only thing I didn't see right was the treatment of the doctor; he didn't seem to take no interest into it at all.

Q. That was when your ankle was broken? A. Yes, sir; they put me in the dark cell and kept me there for fourteen days.

Q. Didn't he examine your ankle? A. He took hold of it and gave it a pull and gave me the liniment and told me to use it.

Q. It wasn't really broken? A. Well I don't know; it is swelled; it has been so for nine months the eighth of this month.

(Witness exhibits his leg to the committee.)

Q. The joint is stiff, is it? A. Yes, sir.

Q. You understand we are here as members of the legislature? A. I don't know any thing except I was sent over here.

Q. Well this is a committee of the legislature to examine into the management of the prison, but you will understand that this committee has no power but to examine into the condition of things and report to the legislature.

By Mr. O'BRIEN :

Q. Did he set your ankle or any thing? A. The convict doctor said he had set it.

By Mr. KEYES :

Q. Did he say it was broken? A. He didn't say nothing about it; he said it was all right — it has been so nine months.

By Mr. SHELDON :

Q. Does it pain you now ? A. Yes, sir ; in the night-time.

By Mr. O'BRIEN :

Q. Have you been in the hospital ? A. Yes, sir ; I was six weeks in the hospital and I was sent back to the laundry, when I couldn't walk two steps and I got twenty-six shirts to do that day and I couldn't do it ; and I had the mark against me — ten shirts short and I came over to the doctor and told him I couldn't do it, and he told me to walk it off and I came back and they told me I was to be punished and I jumped off again.

By Mr. McDONOUGH :

Q. The second time ? A. Yes, sir.

By Mr. KEYES :

Q. The second time were you injured ? A. Yes, sir ; the same ankle and my wrist and I was taken out and put in the dark cell fourteen days and I was taken out and put in the hospital four weeks.

Q. Since then you have been in the mess-room ? A. I have been in the mess-room four weeks.

By Mr. McDONOUGH :

Q. After you jumped off did they put you in the dark cell ? A. The second time I jumped off — the doctor came around and pulled me around and he called Mr. Dickson over and he said he didn't want to put me in and the doctor said " put that man in the dark cell fourteen days."

By Mr. KEYES :

Q. Did he examine your ankle then ? A. He pulled it around and said, " there is a nice place for you, how do you like it there," and he came in and gave me a bottle of liniment.

Q. What is the doctor's name ? A. Doctor Barber.

By Mr. O'BRIEN :

Q. You couldn't do your task ? A. No, sir ; not the way they were giving it to me.

Q. You jumped off the last time because you thought you were to be punished ? A. I was told I was to be punished ; I wasn't able to do it at all the last time — I couldn't walk two steps.

By Mr. KEYES :

Q. You were in your senses the last time ? A. The second time I was tired of my life and I didn't care whether I killed myself or not.

Q. You remember you jumped off the second time ? A. Yes, sir.

Q. Do you remember where it was the second time ? A. The stoop was higher.

Q. You were not hurt as badly the second time ? A. I was hurt pretty bad.

Q. How old are you ? A. I will be 29 next December.

Q. When will your time be out here ? A. My time will be out on the 15th of October if I don't lose any time.

Q. Next October ? A. Yes, sir ; but I was told by the doctor I would lose all my time.

Q. If you are not allowed for any computation when will your time expire ? A. My time wouldn't expire until June, 1883 ; I was never punished for any thing but work.

*Jerry Sullivan*, being called as a witness, and being duly sworn and examined, testified as follows.

By Mr. KEYES :

Q. What is your name ? A. Jeremiah Sullivan.

Q. How long have you been here ? A. Been here nine months the second of April.

Q. This your first term in prison ? A. No, sir.

Q. How many times have you been in prison before ? A. I have never been here before ; I was in the penitentiary.

Q. What was the offense for which you were committed here ? A. Larceny from the person.

Q. When did you come up here ? A. I came on the second of July ; I was sentenced the 28th of June, 1881.

Q. How long a term have you served ? A. I have been here nine months the second of April.

Q. How long have you to serve ? A. I have got fifteen months to serve.

Q. What have you been at work at since you have been here ? A. On the stove contract.

Q. All the time ? A. Yes, sir.

Q. Were you acquainted with the business before you came here ? A. No, sir ; I knew nothing about a stove until I came here, except to see a fire in it.

Q. What task was required of you at first ? A. No task at first — I was here a month before I was put to a task.

Q. Were you put on a task then ? A. Yes, sir.

Q. What part of the work is it you are at ? A. The fitting.

Q. And have you any difficulty in performing your task ? A. Yes, sir ; ever since I have been here.

Q. Don't you find yourself able now to do your full task ? A. No, sir ; I can't do it — the amount of labor is three stoves — what they call three stoves.

Q. Fitting three stoves ? A. Yes, sir ; they are very large stoves.

Q. What do you mean by fitting — putting the stoves together ? A. No, sir ; fitting — such as the doors, they fit them and I ground them so they would fit up close.

Q. You have been short in your work and have been punished for it ? A. Yes, sir — I was locked up here not later than Thursday night.

Q. Why is it you can't do the work ? A. Well, I am not able to do the task — I have got a lame leg.

Q. What was the cause of that ? A. I had that when I was small.

Q. Didn't occur here? A. No, sir.

Q. When you are about your work do you suffer pain? A. Yes, sir, and when I get to my cell at night.

Q. And that is the reason you can't perform your task? A. Yes, sir.

Q. You understand the work? A. I understand the work, yes, sir.

Q. You have the facilities for handling the stoves? A. Well, they are a good deal to handle.

Q. But your main trouble is the want of strength in your foot? A. Yes, sir.

Q. How is it with the men on your task, do they perform their tasks? A. Some of them do and some of them don't.

Q. Do they complain that their tasks are too hard? A. Yes, sir; some of them do.

Q. Some of them perform them easily? A. Yes, sir, some of them get through early so they can wash themselves.

Q. Do the agents of the contractors have any thing to do with the tasks? A. I don't know how it is, you have an instructor over you.

Q. He a citizen? A. Yes, sir.

Q. He is employed by the contractor? A. Yes, sir — he reports to the keeper whether you are short or not.

Q. Have you complained to the principal keeper or the warden as to your work? A. No, sir — I told the keeper about it, he said he was no doctor.

Q. Haven't you ever asked to see the warden? A. No, sir.

Q. Haven't you known that you might see the warden? A. I have heard the men say it didn't do any good to see the warden.

Q. Have you seen the doctor about that leg? A. Yes, sir — he laughed at me and told me to go back to my work.

Q. When was that? A. That was about two weeks ago.

Q. That the last time you saw him? A. No, sir; I saw him this morning and he told me to go and get it pounded.

Q. Do you hear the prisoners complain as to the indifference or want of treatment of the doctor? A. Yes, sir; — I have heard a good many.

Q. That he don't give them proper attention? A. Yes, sir — he tells them to go back to their work again.

Q. Is it common for the prisoners to sham? A. No doubt a good many of them do sham.

Q. Did you ever know of a case of that kind? A. No, sir.

Q. Did you ever hear them talk about shamming the doctor? A. No, sir.

Q. Do you think there is a disposition on the part of the prisoners to shirk? A. I don't know, they might and they might not.

Q. Do you think they are like men outside in that respect? A. I don't believe they want to work as hard here as they do outside.

Q. Do you think the prisoners in your shop do as hard work as they do outside? A. I think they do.

Q. Have you been punished since you have been here? A. No, sir; I have been locked up that is all, about two weeks ago I was in there two nights and a day.

Q. Have you been paddled? A. No, sir.

Q. Have been locked up? A. Yes, sir; about two weeks ago two nights and a day.

Q. The cell is not entirely dark ? A. No, sir ; they call it the dark cell because it is a place of punishment ; they call it the jail.

Q. Any bed in there ? A. No, sir.

Q. Any blankets ? A. No, sir.

Q. Any place to sit down ? A. No, sir.

Q. Any buckets ? A. No, sir.

Q. Any way of relieving the wants of nature ? A. Yes, sir, there is a closet there.

Q. Do you suffer with cold in dark cell ? A. Yes, sir, I have kept on the track, as I call it, to keep warm.

Q. They keep walking up and down to keep warm ? A. Yes, sir ; I have got a cold now, pains all over my chest.

Q. Have you any complaint to make generally about the treatment you received here as to the manner, except as to the work which you have mentioned ? A. No, sir ; I have got no complaint to make, so far as that is concerned, except that my task is too hard for me.

Q. Are you doubled up in your cell ? A. No, sir ; the man that was with me went out.

Q. Do you prefer to be doubled up ? A. No, sir ; the cells are too small.

Q. If the cells were larger would you prefer to be doubled up ? A. Yes, sir.

Q. Why ? A. Because of the company ; if the cells were larger.

Q. Do the prisoners complain, or are they pleased about it ? A. In the summer time they complain a good deal, some of them like it and some do not.

Q. Have you any complaint to make about the food ? A. No, sir, I can't complain about the food ; the food has been as good as I could expect.

Q. Is it as good as laboring people generally have ? A. No, sir, it is not.

Q. Good food, is it ? A. Yes, sir, nothing extra.

By Mr. O'BRIEN :

Q. Who is James Douglass, does he work in the same shop with you ? A. I don't know him.

Q. You worked in the finishing shop ? A. In the fitting shop ; there is a good many there ; I don't know who is there.

By Mr. McDONOUGH :

Q. Are there many in there who don't do their tasks ? A. Yes, sir.

Q. They are locked up in the jail ? A. Yes, sir ; there was a couple who went out a few weeks ago ; they were locked up pretty often ; I have tried to get out of there for a long time.

By Mr. O'BRIEN :

Q. Who are those two others ? A. I don't know their names, one was a colored man ; he has gone in the scratch shops ; he was a big, tall fellow.

Q. You don't do your task now ? A. No, sir.

By Mr. McDONOUGH :

Q. Do you expect to be punished again for it? A. I don't know, I may get in again for it.

By Mr. KEYES :

Q. Did you know Mr. Campbell, the former keeper there? A. No, sir, I never saw him.

Q. Have you ever been required to work on Sunday? A. No, sir.

Q. Do you attend chapel? A. Yes, sir.

Q. Do you hear any complaint among the prisoners that they are not able to attend chapel? A. No, sir.

Q. Do the prisoners care about attending chapel? A. Well, yes, sir.

Q. You think they like to go? A. Yes, sir.

By Mr. McDONOUGH :

Q. Ever know of any one injuring themselves? A. Yes, sir; I heard another man say in the jail, if he thought he could cut his hand and get clear of the job, he would do it; I don't sleep half the time with the pain.

By Mr. O'BRIEN :

Q. There are men you think who would cut their hands; cut a finger off to get off the work? A. Yes, sir, I heard a man say that the other night in jail; you couldn't see any thing you could hear; he and some other party was talking there; I heard him say if he thought he could get clear of the job he would cut his hand.

By Mr. KEYES :

Q. Have you any fault to find with the contract system? A. Yes, sir.

Q. Why what is the objection to it? A. The objection is they work you too hard — don't give you time to wash yourself; at dinner you don't get time to wash yourself; at night you have time to wash if you get your task done in time.

Q. Were you ever employed at State work? A. No, sir.

Q. You have always been on contract work? A. I have always been on contract work since I have been here.

Q. Do the prisoners complain about being put at contract work? A. Yes, sir.

Q. You think the contractors work them too hard, do you? A. Yes, sir, they overdo them with work.

By Mr. McDONOUGH :

Q. What time do you get for dinner? A. You walk from the shop, you eat just as fast as you can.

By Mr. KEYES :

Q. You don't get an hour to eat then? A. No, sir, don't get an hour.



Q. Do you know Dominick Calloren ? A. No, sir.

Q. Do you know John Gray, former prisoner ? A. No, sir.

Q. Do you know Anthony Maher, Tony Maher, a prisoner ? A. No, sir.

Q. Or Joseph Morgan ? A. I know a man by the name of Joseph Morgan ; he was in the cell with me ; he was locked up with me two or three months — I guess it was — ago.

Q. Any thing further you would like to state to the committee about your treatment here ? A. Well nothing only that I am not able to perform the task I am doing ; I would like to get off of it ; I don't like to be locked up every week or every second week ; I am satisfied to work at any thing I can get along with, if you go to the doctor he won't do any thing for you ; you go to explain any thing and he will snap the head off of you.

By Mr. McDONOUGH :

Q. If you request to see the warden will it be denied to you ? A. I have heard some men say so ; I have never asked to see the warden though.

By Mr. SHELDON :

Q. Do you do your grinding on a grind stone or on an emery wheel ? A. On an emery wheel ; your nose is running all the time and at night when you go to sleep you are spitting up a black sort of stuff.

By Mr. McDONOUGH :

Q. 'There is something warm over the nose or face.

By Mr. O'BRIEN :

Q. They generally wear a sponge ; do they have a sponge here ? A. No, sir.

By Mr. SHELDON :

Q. I have seen a sponge that some of them had over their nose, do you know any thing about that ? A. No, sir, not where I worked, it comes in your eyes ; you have to wear a shade ; the doctor gives some of them a shade to wear.

*Patrick Nicholson*, being called and duly sworn and examined, testified as follows.

By Mr. KEYES ;

Q. What is your name ? A. Patrick Nicholson.

Q. How old are you ? A. I am thirty-nine, sir.

Q. Serving your first term ? A. Yes, sir.

Q. In prison ? A. Yes, sir.

Q. How long have you been here ? A. I have been here over thirteen years.

Q. When will your term expire ? A. I am a life prisoner.

Q. Do you understand the nature of this proceeding ? A. I have an idea.

Q. You understand it is a committee of the legislature ? A. Yes, sir.

Q. You understand we have no power to interfere ; that we are simply here to find the facts and report ? A. Yes, sir.

Q. What is your work here ? A. The last six years I have been employed in the laundry.

Q. Prior to that ? A. I was runner on one of the guard posts.

Q. Do you find any difficulty in doing your work in the laundry ? A. I am a sort of general utility man, I have no set task.

Q. You have no difficulty in performing the work ? A. No, sir.

Q. Do you find the prisoners in the laundry able to do their work generally ? A. Generally yes, sir.

Q. Do you think there is any case where the prisoner is unable to do his work by using his best endeavor ? A. That is a hard question for me to answer.

Q. You do have men who fail ? A. I have known men to fail and be removed from the laundry contract because they couldn't do the work.

Q. Do you think there is a disposition among the prisoners in the laundry to do the best they can ? A. Yes, sir ; there may be some instances where men in order to get off of the contract have some particular aversion to that kind of work, they may try to get off.

Q. Don't you think they would prefer that to the foundry ? A. Some of them would — some of them have a great aversion to the work as they consider it woman's work.

Q. Has any case come under your observation of a convict being required to do a work when it was impossible for him to do the work ? A. I could only give my opinion — I have known some cases way back where men said they couldn't do the work ; of course there are some men that are adapted to that kind of work and some of them are not ; what would be easy for one man would be difficult for another.

Q. Do you know a man by the name of Edward Smith ? A. No, sir.

By Mr. O'BRIEN :

Q. He used to be there in the officers' mess-room ? A. Yes, I think I know the man.

By Mr. KEYES :

Q. Was he there while you were in the laundry ? A. I know of it by hearsay.

Q. Do you know any thing about his jumping off the gallery ? A. I have heard that he jumped off.

Q. You know nothing of the facts ? A. No, sir.

Q. Do you know any thing of the punishment here ? A. Not of my own personal knowledge.

Q. Never saw a man punished ? A. No, sir.

Q. Never have been punished yourself ? A. No, sir.

Q. Either by being locked up into a dark cell or otherwise ? A. No, sir.

Q. Have you any knowledge of any injustice or wrong, practiced (Assem. Doc. No. 131.) 18

apon the prisoners ? A. I have known of some instances where I thought that men who are sick didn't get proper treatment from the doctor.

Q. You thought they were sick ? A. Yes, sir ; and I have known where the proprietor of the laundry has excused men that he thought was sick.

Q. Have you observed any disposition on the part of the contractors or their officers to overdo the men ? A. No, sir ; I think Mr. Mahoney's disposition is to be fair, as an instance of that most of the men are done by half-past three to-day.

Q. You think a man of average ability and strength and intelligence might go into the laundry and in the course of a few weeks might learn the work so as to do the tasks without over-exertion ? A. It might take them over a week or three weeks ; it would take a couple of months ; I know of two men there at present, they are learners, they have been there only two or three weeks, they were done to-day by one or half-past one o'clock.

Q. The twenty-six shirts ? A. No, sir, they are only doing four or five shirts ; when a man comes in he gets five shirts and he is gradually raised at the rate of two a week until they get twenty-six.

Q. Do you come in contact with keeper Dixon frequently ? A. I visit his office every day to get the laundry ticket there ; I seldom speak to him.

Q. What have you to say as to his general bearing and conduct toward the prisoners ? A. So far as his general conduct is concerned he is a strict disciplinarian.

Q. Any more than you think a man ought to be in that position, dealing with the men he has to deal with ? A. No ; I don't know how he deals with the other men, so far as he treats me I can't complain.

Q. As to the keepers generally, what have you to say as to their general treatment and conduct toward the prisoners ? A. As to the keepers generally, I think they are as good as the average number of men you would get under the same system.

Q. Some not equal to others ? A. Some not equal to others.

Q. As to the warden, have you any thing to say as to his treatment of the prisoners ? A. Not of my own personal knowledge.

Q. Have you ever had occasion to go to the warden for any cause ? A. No, sir.

Q. As to the food, what have you to say ? A. Well, the quality of the food is as good perhaps as one might expect to find in the prison.

Q. What have you to say as to partiality in the prison, do you know of any instance where certain convicts were treated with more favor than others ? A. Naturally there are some men that are treated better than others ; that can't be avoided ; that is, a man that shows good conduct they generally promote him if they can.

Q. There is no fault found with that among the prisoners ? A. No, sir, not generally ; of course there are some men that might feel a little envious.

Q. Have you any knowledge as to any undue influence being used in the prison to get easy places ? A. Not of my own knowledge.

Q. Do you hear such rumors in the prison? A. Yes, sir, such rumors have existed ever since I came to the prison.

Q. Do you know whether they are based upon any facts or based upon envy? A. I think envy has as much to do with it as any thing; I know of nothing personally.

Q. As to Sunday work, is there any Sunday work done here? A. I understand that Mr. Campbell made a charge of work being done on Sunday in the laundry; it makes their work easier to have the shirts damp a certain number of hours; most of the men prefer to have their shirts dampened on Sunday.

Q. It is a matter of choice with the prisoners whether they do it on Sunday or not? A. Yes, sir.

Q. Were you in the prison during Mr. Campbell's term here? A. Yes, sir.

Q. If there had been regular work done there on Sunday you would have known of it? A. Yes, sir; on one or two Sundays when Mr. Campbell was here the men turned shirts in the stock-room; I don't know whether they were required to do it; I know men have made application to rather than be locked up in their cells on Sunday.

Q. Have you heard any complaint among the prisoners in regard to being required to do work on Sunday? A. Yes, sir; at this particular time I heard that a few convicts murmured.

Q. Did you understand that they were required by the contractors or the keepers to do the work on that occasion? A. I think a superintendent we had here—a man by the name of Mr. Gammon, was the cause of their working then; I am pretty certain the contractor had no knowledge of it.

Q. You say this happened once or twice? A. It happened a few times—it was not a regular thing.

Q. Is there a feeling among the prisoners adverse to doing work on the contracts? A. Yes; among some of them.

Q. Do you think the contract system is more severe upon the prisoners than the State work? A. The men, of course, work harder on the contracts than they were formerly on the State—that is, before the contract system was established, the men had a much easier time—many of them did little or no work.

Q. Then the ground of objection to the contract system is, that the work is more severe than under the State? A. Yes, sir.

Q. There is no other ground of objection so far as you know? A. Not so far as I know—as far as the laundry is concerned, as the men are working there at present, they are probably done by half-past three o'clock—that is the men generally—some of them too would take a day.

Q. Do you know of any prisoners here being unduly tasked while sick and enfeebled? A. I know of a few instances where men were put to work where I didn't think they ought to be.

Q. Can you name any cases of that kind? A. I can name the case of one Richard Smith; he was temporarily sick.

Q. Was he in the laundry? A. Yes, sir.

Q. He was required to work when you thought he wasn't able to work? A. I didn't think he was able to work.

By Mr. O'BRIEN :

Q. You said the quality of the food was good, how as to the quantity? A. The quantity also, I believe, is sufficient — that is, a man can get all he wants ; he can get all the bread he wants by holding up his hand, and I think the supply of meat is as much as any man would care to eat.

Q. Do you know Charles Marrell? A. No, sir ; I think there is a man there named Marvel.

Q. Has he been punished lately? A. No, sir ; not lately, I think.

Q. Does he do his task now? A. Yes ; I believe he does.

Q. He has had some trouble? A. Yes, sir ; he has sometime back.

Q. Couldn't do his task? A. Yes, sir ; that is, I wouldn't say he couldn't do his task — he didn't do it ; he got one time desperate and jumped off the laundry stoop.

Q. Do you know George Lewis? A. I don't know him, sir — yes ; I believe I do — I think I can place the man.

Q. He is in the laundry? A. Yes, sir.

Q. Does he do his task? A. Yes, sir.

Q. He has had some trouble? A. Yes, sir.

Q. Because he couldn't do his task? A. I don't want to say he couldn't do his task — I don't know from the merits of the case whether he couldn't or wouldn't — I only know he didn't do his task ; he was one of the men that jumped off the stoop.

By Mr. SHELDON :

Q. How many do you know that have jumped off? A. I know English, Lewis and Marvel.

Q. Do you know whether Mr. Dixon's treatment and management has been worse than Mr. Bowes? A. No, sir ; I believe it has been a decided improvement on Mr. Bowes — of course, I can only speak from hearsay ; I have never seen a man punished, but I understood when Mr. Bowes was here men were very brutally punished.

*James Johnson*, called as witness, being duly sworn and examined, testified as follows :

By Mr. KEYES :

Q. What is your name? A. James Johnson.

Q. How old are you? A. Thirty-four.

Q. How long have you been here? A. Since 1870, you may say — with the exception of eighteen months, when I was away on a pic-nic.

Q. For what were you sentenced? A. Highway robbery.

Q. How long have you to serve? A. About four years and eleven months.

Q. What are you employed at? A. I am assistant superintendent of the foundry, of the stove contract you may say.

Q. Do you know Mr. E. R. Campbell, ex-keeper? A. I know him by sight.

Q. Did you know any thing of his general character? A. No, sir ; I simply pass through the foundry, I can't say as to how he conducted himself.

Q When you first came here what were you employed at? A. On the saddlery contract; I worked on the bench five years before I came here in the office, then I went home; then I was put in the shoe shop, then I was put on the stove contract.

Q. How long have you been at work on the stove contract? A. About three years.

Q. Do you find any difficulty in performing your work there? A. No, sir.

Q. During all the time you were here have you been able to do your work without serious difficulty? A. Yes, sir.

Q. You have no complaint to make on that score? A. No, sir; not on that ground.

Q. Were you ever punished? A. No, sir.

Q. Were you punished for running away? A. No, sir; only that I could lose all my short time, which was five years and seven months.

Q. Have you any complaint to make as to the treatment you have received here? A. Not the slightest; the work I have to perform is not manual work; I simply have a set of books to keep, and the companies' hours; I work in the saddle shop.

By Mr. McDONOUGH:

Q. How did you get along then? A. I had no trouble then.

By Mr. KEYES:

Q. Did you ever work at State work? A. About ten months when I was a messenger in the office.

Q. What is the general feeling among the prisoners as to contract work, do they like it as well as State work? A. No, sir, I don't think they do; there were men here when the work broke up, and those men prefer contract work.

Q. Do you find any complaint among the convicts as to excessive tasks? A. Oh, yes; once in a while I hear it, but I never have got enough into the matter to know whether they were right or wrong; but the general run of men get through, you must understand that those who come up here at first think they can't get along, sometimes a light man gets hard work and says he can't get along, then of course we take him off.

Q. Do you know Edward Smith in the laundry? A. No, sir.

By Mr. McDONOUGH:

Q. You have no knowledge of any thing in the laundry? A. No, sir, very little; the laundry is something that does not come under my knowledge; the only knowledge I have is of their jumping out of the window.

Q. What is the distance to the ground, about? A. You have been in there, haven't you?

Q. No; is it as high as this ceiling? A. Oh, yes, easy enough; I have seen a man jump out of the window of that little extension.

By Mr. KEYES:

Q. What was his name? A. I don't know that.

By Mr. O'BRIEN :

Q. Why did he jump out ? A. I couldn't say myself, except from hearsay through the yard ; the work was more than he could do ; there was a good deal of complaint about the laundry then.

Q. Do you know of any case where prisoners have been treated with favor, more than others ? A. No ; the only ones I know of being treated with favor are those who have earned it by hard labor.

Q. Do you know of any cases where men have been to the doctor and didn't get proper treatment ? A. I have known men that were sent there and nothing was done for them, and they were sent back to their work until they dropped ; I know one man by the name of William Thompson, they worked him there till he dropped ; he came here with me in 1871 ; the doctor wouldn't do any thing for him.

By Mr. McDONOUGH :

Q. What do you mean by dropped, died ? A. Yes, sir.

Q. When was that ? A. A few months ago.

By Mr. KEYES :

Q. Did he complain to the keeper ? A. Yes, sir ; and he took him to the doctor, and the doctor said to take him back to his work.

Q. William Thompson you say that was ? A. Yes, sir.

Q. What was the matter with him ? A. I couldn't tell — sometimes you see a man who seems to fall to pieces all at once.

Q. Did he apply to the doctor ? A. He applied several times — on the contract there we took him out and got another man to do his work in order to let him to sit around — it was impossible for the man to do any thing.

Q. Was the attention of the keeper called to him ? A. Yes, sir ; his keeper took him to the hospital.

Q. How long was he in the hospital ? A. I should imagine four or five days.

Q. What was the matter with him ? A. The first thing that seemed to strike him was something like the chills and fever.

By Mr. McDONOUGH :

Q. He did work up to that time ? A. Yes, sir.

By Mr. KEYES :

Q. How old a man was he ? A. I should judge him to be about thirty five.

Q. Have you any thing to state generally, as to the management of the prison or as to the treatment of the prisoners ? A. No, sir ; I don't know as I could say any thing or any thing that would amount to any thing if I said it.

Q. We desire to give you an opportunity to state any thing you have to say on that subject ? A. Of course, I have been here eleven years, and taking one management with another, I think this is as good as any other.

Q. Do you know of any improper influence being exerted by out-



side parties to secure favor for prisoners ? A. I don't know as I understand you.

Q. Do you know of any improper influence being exerted to have them treated with special favor ?

By Mr. SHELDON :

Q. Certain ones ? A. No, sir.

By Mr. KEYES :

Q. Do you know of any money or any other consideration being offered to keepers by prisoners, or the friends of the prisoners, to induce the keepers to favor the prisoners ? A. No, sir.

Q. Do you come in contact with keeper Dixon frequently ? A. No, not often.

Q. Or with the warden ? A. Very seldom.

Q. Never had occasion to appeal to the warden ? A. No, sir ; the only occasion when I had to appeal to Mr. Dixon was for a pair of pants, once when I got mine wet being out in the rain.

Q. Was it your fault ? A. I am out in the yard every day and I am apt to get wet through.

Q. What reply did he make to your application ? A. Oh, he got me another — he was then in the shoe shop, at that time I was working there ; that was before he was principal keeper.

By Mr. McDONOUGH :

Q. Have you seen any of the prisoners when they were being paddled ? A. Oh, no ; I never saw the convicts when they were being paddled, I once saw a man after he had been paddled, I wouldn't have seen that except that the man insisted on showing it to me.

By Mr. KEYES :

Q. Who was that ? A. I don't know, it was a little over a year ago.

Q. What was the condition of his person ? A. Oh, it was pretty bad.

Q. Skin broken ? A. No, it looked like a blood blister, I think it was two or three days after he had been paddled, it looked like raw beef then.

Q. Do you know who paddled him ? A. I think it was principal keeper Bowes.

By Mr. McDONOUGH :

Q. About the drowning out in cells, does that occur frequently ? A. Well, no ; I don't remember in the last two or three years but one, and that was that Italian, that one who was crazy ; I know they did drown him out ; I didn't see it, I saw the hose connected.

By Mr. McDONOUGH :

Q. If it happens there are you likely to know it ? A. Yes, sir ; it can't happen without every one in the yard knowing of it.

By Mr. KEYES :

Q. Do you know of any electioneering going on in the yard — discussion of politics? A. Do you mean with the prisoners?

Q. Yes, the keepers of the prison? A. No, sir; I don't see where the common sense of that would be; the convict hasn't got a vote.

Q. Do you know Thomas Cowles? A. No, sir.

By Mr. O'BRIEN :

Q. Who were those men who jumped out of the window in the laundry? A. Of course I couldn't know their names, but I see them pretty often; that one works down here in the keepers' mess-room.

By Mr. KEYES :

Q. Have you had any experience with the doubling up system here? A. Not since I was brought back.

Q. What is the feeling of the prisoners in regard to that? A. I believe they like it for the sake of the companionship; at the same time I do not like it.

By Mr. McDONOUGH :

Q. Do you hear any complaints about it of immoral practices? A. Oh, yes, all such kinds of talk going on around here; if a man keeps his ears open around here he can get his ears full.

Q. Well, any complaint to the keepers? A. No, sir, only as a matter of scandal — talked around.

Q. From your experience do you think it is wise to keep them doubled up? A. No, sir, I do not.

By Mr. KEYES :

Q. Not even if they desire it? A. No, sir.

By Mr. O'BRIEN :

Q. Do the several companies change once a week — their clothing? A. Yes, sir.

Q. Change once a week regular? A. Yes, sir.

By Mr. SHELDON :

Q. Might there not some companies fail to do that and you not know it? A. No, because they halloa in the prison if a company goes a second week without changing their shirts; they would all halloa the next morning in the prison; I have not known them to halloa more than once or twice in the past year.

By Mr. KEYES :

Q. Whose fault is it they do not change? A. I think it is the State shop-keeper's; he has charge of all that kind of thing.

By Mr. O'BRIEN :

Q. Do you know of any strong, robust convicts knocking down others? A. Convicts knocking others down?

Q. Yes? A. No; once in a while the men may have a dispute and strike one another, but it is soon over with.

Q. Have you ever known a keeper to knock a man down when he was in line? A. I have heard the talk here, but I didn't see it; there was a life man here named Daly knocked down, so I heard, when they were taking him in the prison.

Q. You didn't see it? A. No, sir; he came in the yard with the company.

*Charles Wilson*, called as a witness, being duly sworn and examined, testified as follows:

WITNESS — I have nothing to say about this prison.

By Mr. KEYES:

Q. We want to find out something about it; you understand about the nature of this investigation? A. I suppose so.

Mr. KEYES — This is a committee of the legislature appointed to examine into things here and report.

WITNESS — I can't give much testimony because I have not been here long enough.

Q. How long have you been here? A. Six months.

Q. What were you sent here for? A. Burglary; I was drunk at the time.

Q. How old are you? A. I will be twenty-five, the 7th of May.

Q. For how long a time were you sentenced? A. Twelve years.

Q. What have you been working at since you have been here? A. I was in the mess pretty near three months; I am near sighted; then I was put in the hall two days, then they put me in the foundry, I got along there until I got in a fight with two men, then I was taken out and put in jail, then taken out and punished.

Q. How did this quarrel arise? A. It seems they don't like me because I don't associate with any one.

Q. Were the men you quarreled with punished? A. Yes, sir, one was.

Q. Paddled? A. I don't know.

Q. Were you paddled? A. I was, sir, I was paddled Wednesday morning.

Q. Wednesday morning of this week? A. Yes, sir.

Q. Who paddled you? A. The principal keeper.

Q. The doctor present? A. I didn't see any doctor present.

Q. Who else was present? A. Mr. Hornbeck and Mr. Newton and this new keeper; I forget his name; a big man with side whiskers.

Q. Didn't you see the doctor? A. No, sir.

By Mr. SHELDON:

Q. Do you know the doctor? A. Yes, sir.

By Mr. KEYES:

Q. How many strokes were inflicted? A. I couldn't say.

Q. Did you see the instrument you were paddled with? A. Yes.

Q. Can you describe it? A. Yes, it is a piece of leather about as

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long as that (indicating) and as wide as my hand, and the thickness is about a quarter of an inch, and then a long handle, the whole of it about that length (indicating).

Q. You didn't count the strokes that were inflicted? A. No, sir; Mr. Dixon has been very good to me, I don't suppose he paddled me as much as he did the rest, because he knows how I was situated; I have talked with Mr. Dixon two or three times in the office.

Q. You don't pretend to justify yourself in getting in to this quarrel? A. No.

Q. You were a little to blame as much as the others? A. If a man jumps up and calls you a son of a bitch what are you going to do.

Q. That was the fact in your case? A. Yes, sir.

Q. Then you endeavored to punish him? A. Yes, sir, certainly.

Q. While Mr. Dixon was punishing you did he give you a chance to promise to do better? A. He asked if I would stop my fighting and I told him I would.

Q. Did he stop then? A. I think he gave me a couple after that.

Q. How many times did he strike you? A. I think seven or eight strokes.

Q. Did you scream? A. They say I did; they thought the devil was coming after me; paddling is no joke.

Q. Are you still sore from it? A. No, sir, not much, a little across the back that is all; it pained me for a couple of nights so that I could not sleep on my back.

By Mr. O'BRIEN:

Q. Do you think you could stand fifty blows? A. If I had fifty blows I would drop down dead; I have got heart disease and palpitation of the heart.

By Mr. KEYES:

Q. Do you feel that you have got any ground of complaint against Mr. Dixon? A. No, sir, none whatever.

By Mr. KELLY:

Q. You don't say that because you are afraid that what you have stated will harm you? A. No, sir.

By Mr. KEYES:

Q. You would speak just as freely if Mr. Brush or Mr. Dixon were here? A. Yes, sir.

Q. Have you any thing to say as to the management of the prison generally—have you any thing further you wish to complain of? A. No, sir; I haven't been here long enough; I suppose if I had been here six or seven years, I might find something to complain about.

Q. How long have you to remain here? A. I have lost part of my short time; in case you are punished it takes off your short time.

By Mr. KELLY:

Q. Where do you live? A. New York city—all my folks have gone away.

By Mr. KEYES:

Q. Had you any occupation before you came here? A. Yes, sir; I was steward.

Q. On board ship? A. Yes, sir; I have always made an honest living; I have always made a good living too.

By Mr. McDONOUGH:

Q. Do you know of any partiality shown the prisoners? A. That is favoring them?

Q. Yes, any favor shown them? A. I suppose there is favor shown certain parties.

Q. On what grounds? A. I don't know of any particular case, but I have seen favors shown to prisoners.

Q. Suppose a prisoner is very obedient and does his work well and complies with the discipline, don't you think he ought to have some consideration shown him? A. I don't see why they should show a man of that kind favor any more than any other, he's a convict, isn't he?

Q. If a convict does his work and conforms to the discipline of the prison, do you think he ought to be punished? A. No, sir.

Q. Do you know of any case when prisoners who are sick and feeble are treated with undue severity? A. No, sir.

Q. Do you think the prisoners generally are able to do their work if they try as men do outside? A. That I can't account for, because I have had nothing to do of this kind of work outside.

By Mr. McDONOUGH:

Q. What are you doing now in prison? A. I am in the hall — they put me back in the hall.

At this point the doors were opened, and the reporters and officers of the prison were admitted.

*Jesse Dixon*, recalled as a witness, being duly sworn and examined, testified as follows:

By Mr. KEYES:

Q. Take the case of Joseph Morgan — you are the principal keeper? A. Yes, sir.

Q. Or deputy warden of the prison? A. Yes, sir.

Q. How long have you been in that position? A. About a year and a half.

Q. What was your position prior to that? A. Keeper.

Q. How long had you been keeper? A. Well, off and on, for twenty-six years.

Q. You have been connected with the prison for twenty-six years? A. I have been away a little over four years, at different times.

Q. Were you here while Mr. Bowes was principal keeper? A. Yes, sir.

Q. Will you state what punishments are inflicted in the prison? A. We have what we call the dark cell.

Q. Describe that? A. It is a cell, I don't know exactly the di-

mensions of the cell; the cell is built of brick and lined with flag-stones; there is a flag-stone set on end for the east side, and one for the ceiling and one for the floor, probably it is five and a half or six feet square.

Q. Do you call it a dark cell? A. We call it a jail, it is not a dark cell, we call it a dark cell because it is a place of punishment.

Q. How are the prisoners punished in the dark cell, aside from the confinement? A. They are not punished in any way.

Q. Are they allowed bedding of any description? A. No, sir.

Q. Or blankets? A. No.

Q. Or buckets? A. There is a water-closet in there.

Q. In cold weather is the cell warmed in any way? A. Yes, sir.

Q. How? A. By steam pipes running all around the building.

Q. Not directly any fires in the cell? A. No, sir.

Q. But so as to warm the cell? A. Yes, sir; the corridors are warm.

Q. Is the temperature in those cells during the winter so that the prisoners can remain in there all night without suffering from the cold? A. I have often been to it in the morning when it would almost suffocate one with the heat.

Q. In your judgment would the prisoner suffer from cold there? A. No, sir.

Q. Is there any prescribed length of time the prisoners would be kept in this dark cell? A. No, sir.

Q. If he promises to perform his task and submit to the rules of the prison is he released upon such promise? A. Yes, sir.

Q. What is the diet while they are confined there? A. Bread and water.

Q. In what quantity? A. It is what we call a half ration of bread.

Q. Once a day? A. Once a day, he has all the water he wants to drink, the water is in there.

Q. He can draw the water as often as he wants it? A. Yes, sir.

Q. And the bread is limited? A. Yes, sir.

Q. And the object of this is to reduce the prisoners to subjection? A. Yes, sir.

Q. Do you find it usually successful? A. Yes, sir.

Q. And the length of confinement depends upon his own discretion—his own will? A. Yes, sir.

Q. What other forms of punishment are used? A. We have a paddle.

Q. Will you describe the paddle and the method of punishment? A. The paddle is made of sole leather, has a blade about the length of my hand, I should say it was seven inches long and four inches wide.

Q. The blade? A. Yes, sir.

Mr. KEYES—Perhaps the instrument may as well be introduced that it may appear whether this is the instrument which has been in use for some years past.

Q. Have you the same instrument now that has been used for some years past? A. Yes, sir, the same instrument that has been used for the last two years.

Q. Ever since you have been principal keeper? A. Yes, sir.

Q. And it is your duty to administer the punishment when it is administered? A. Yes, sir.

Q. Is the punishment when administered solely upon your discretion? A. Yes, what I mean by that the doctor always stands by.

Q. The doctor's judgment is taken as to the propriety of inflicting the punishment? A. Yes, sir.

Q. If the prisoner is found to be in a sick or enfeebled condition, does the doctor in that case advise the punishment? A. Yes, sir, he advises it not to be done.

Q. He examines the prisoner with a view to ascertaining whether he is a proper subject for punishment, and if he thinks he is not the punishment is not inflicted? If the prisoner calls for the doctor, I ask the doctor "Is this man sick," and the doctor tells me whether he ought to be punished or not.

Q. If the doctor tells you he is too sick to be punished do you punish him? A. No, sir.

Q. Does that often happen that the doctor tells you that a man is too sick to be punished? A. No, sir.

Q. Is any definite number of blows prescribed to be inflicted? A. No, sir.

Q. That rests in your discretion? A. Yes, sir.

Q. In what particular do you exercise that discretion? A. If I flog a man when he promises me to go back and do better I always let him go back whether it is one stroke or ten.

Q. Did you ever proceed to inflict as many as ten before giving the prisoner a chance to say whether he would yield? A. Never in my life.

Q. About how many blows do you usually inflict? A. About three.

Q. And then you would stop and ask him? A. Yes, sir.

Q. And if he promises amendment do you proceed? A. No, sir.

Q. Is it often that a prisoner promises obedience after three strokes? A. Yes, sir.

Q. Is it often that you are compelled to inflict more than three strokes? A. Yes, sir.

Q. Have you ever inflicted as many as fifty blows upon a prisoner at one time? A. No, sir.

Q. Do you know of any instance where as many as one hundred or two hundred blows have been inflicted? A. No, sir.

Q. Did you ever hear of it? A. Yes, sir.

Q. Under Mr. Bowes? A. Yes, sir.

Q. But you had no personal knowledge of it? A. No, sir.

Q. Do you know what particular prisoner was alleged to be so punished? A. He was a colored man named Lewis.

Q. What was done with him after he was punished? A. He was put in the dark cell.

Q. Is that customary? A. Yes, sir.

Q. Is it often done? A. I have done it; sometimes you paddle a man and he still refuses to work and we put him in a dark cell.

Q. Would you consider it excessive punishment to inflict fifty blows? A. Yes, sir.

Q. How many blows would you inflict in any one case? A. I should inflict blows enough to subdue him if I believed it necessary.

Q. If after fifty blows the prisoner still refuses to promise amendment what would you do? A. Take him down and put him in the jail.



Q. Would you paddle him the next day? A. No, sir.

Q. You would resort to confinement and short rations? A. Yes, sir.

Q. Have you ever had a case of punishment since you have been principal keeper, where the prisoner has been refractory and has not yielded after receiving as many as thirty blows? A. What is that, sir?

Q. Have you ever had a case of punishment, where as many as twenty blows have been inflicted and the prisoner has not yielded? A. Yes, sir.

Q. In such a case you have remanded him to the dark cell? A. Yes, sir.

Q. And have you found the punishment by solitary confinement and short rations reduced him to subjection? A. Yes, sir.

Q. For some days? A. Yes, sir.

Q. Do the convicts regard solitary confinement as a punishment? A. Yes, sir.

Q. And after a few days they are glad to come out and go to work? A. Yes, sir.

Q. Is it often that blood is drawn in the administration of the paddles? A. No, sir.

Q. Has that ever occurred in your administration? A. I don't remember any case where blood was drawn under my administration or any other.

Q. What is the appearance of the flesh after the punishment is inflicted? A. It turns red, that is after I have done punishing the prisoner.

Q. Do the prisoners go back to work? A. Yes, sir.

Q. Have you known of any instance where it was impossible for them to go to work after the infliction of the punishment? A. Yes, sir; that was Lewis that I had spoken of.

Q. How long was he disabled? A. I think he was in the dark cell two or three days after it.

Q. He was paddled by Mr. Bowes? A. Yes, sir.

Q. In your judgment is the use of the paddle necessary in the administration of discipline in this prison? A. Yes, sir.

Q. Do you think that punishment by solitary confinement and short rations would be effective without the use of the paddle? A. No, sir.

Q. You think the dread of punishment by the paddle is greater than that of the dark cell? A. It is to some, and it is not to others; if we abolish it we couldn't live here.

Q. Do you know whether the paddle has been dispensed with in other institutions? A. No, sir.

Q. You find the paddle necessary in dealing with the worst class of criminals? A. Yes, sir.

Q. Do you think there is any other form of punishment, corporeal punishment, that would answer the purpose any better, or as well as the paddle? A. I don't know of any.

Q. Has any other form of corporeal punishment been tried here? A. No, sir; excepting the shower bath, of course that is not punishment.

Q. What is the shower bath, or showering; what is the intention and design of it? A. They used to use that before they used the paddle.

Q. How was it administered? A. The man went into the room and they took his clothes off, and set him in a chair, and fastened his feet and fastened his arms, and there was a trough that went around his chin here (indicating); and the officer sat alongside and pulled a string, and the water came through an eight or ten-inch pipe, and this pipe was perforated with holes, and the water came down over him.

Q. Was the cell made water tight? A. No, sir; but this trough was intended for that so as to fill up to his mouth.

Q. Has that punishment been inflicted in your term as principal keeper? A. No, sir.

Q. It was under Mr. Bowes? A. No, sir; the shower bath was abolished in 1875, I think, and that was substituted in its place (referring to the paddle now produced); only the paddle at that time was made out of hickory.

Q. With holes in it? A. No, sir.

Q. Which do you think the most painful, the hickory or the leather paddle? A. The hickory paddle, from the fact that the hickory paddle would sometimes split and cut flesh.

Q. This instrument I understand you is the instrument now used (referring to paddle)? A. Yes, sir.

Q. And has been for the last two years? A. Yes, sir.

Q. Will you describe it so that the stenographer can take it down?

Warden BRUSH measured the paddle and states that the blade is four and one-half inches long, and nine inches wide, and the handle thirteen inches long.

Q. Did you ever know, or hear of a paddle being used here made of more than one thickness of sole leather? A. No, sir.

Q. Riveted together? A. No, sir.

Q. Now we will come to particular instances of alleged punishment, come to the case of Joseph Morgan.

Mr. McDONOUGH — Mr. Keyes did not speak about the washing out process.

By Mr. KEYES:

Q. Describe the washing out process? A. If a man should be reported for some aggravated case and I should go to his cell and ask him to come out in the morning, and he refuses to come, and has a knife or some other weapon that he had concealed over night, and threatens to kill the first man who comes near him, and if, after reasoning with him, and arguing with him, he still resists, we would put the hose on him; we would put the hose on him and then ask him again, if he still refuses to come out we turn the water on him.

Q. Does that usually reduce him to subjection? A. Yes, sir.

Q. Very speedily? A. Sometimes it will bring some out quicker than others.

Q. Is it possible for a convict to so place himself in his cell as not to be in reach of the water? A. He can put his bed up in front of him then we have to play the water on him until we get the best of him.

Q. Has that happened during your administration? A. Yes, sir.

Q. Is that ranked as a punishment? A. No, sir, as a means of getting him out of his room.

Q. Just as if a prisoner in the ranks going to the dining-room

should become disorderly, you would consider it necessary to strike him down? A. Yes.

Q. You would not consider that a punishment, but a means of maintaining the discipline of the prison? A. Yes, sir, as a means of maintaining the discipline of the prison.

Q. Take the case of Joseph Morgan; will you state the facts connected with his paddling? A. I never paddled Joseph Morgan.

Q. Take the case of Joseph Smith, alleged to have been paddled; do you remember that case? A. I don't distinctly remember it, no, sir.

Q. Smith is the young man — ? A. He is the one you brought up here?

Q. Yes? A. I don't remember that case.

Q. Take the case of Pulcato, the Italian; he was showered, was he? A. He was washed out of his cell.

Q. Will you state the facts connected with that case? A. It was not for punishment that he was washed out; he became insane and very unmanageable, and we could not do any thing with him; he was very stout and very strong; I went to the door and asked him to come out, taking with me an interpreter, and asked him to come out; he still refused; he slammed the door and nearly cut my thumb off, would have cut my thumb off if I had not got it out in time; we tried with this interpreter for a long time, I should think over half an hour trying to coax him to come, finally we could not get him to come, could not get him to come in any way, so we had no way left but to turn the water on him.

Q. Did he have weapons? A. Yes, sir.

Q. What were they? A. A piece of iron about a foot and a half long, I should judge it was, the leg of his bedstead, a piece of gas pipe.

Q. In your judgment was the prisoner insane at that time? A. Yes, sir.

Q. And you deemed that there was no other mode to reduce him to subjection except showering? A. I reported to the warden and the doctor, and the doctor went with me and we talked it over; the doctor wouldn't consent at first to turn the water on him, finally he consented and we did.

Q. How long a time was the water turned on? A. May be fifteen or twenty minutes, not all the time; we would stop and ask him if he would come out, and afterward turn it on again.

Q. At the end of fifteen minutes did he surrender? A. No, I should think it took twenty minutes.

Q. Did he surrender his instrument then? A. No, sir; he came out with it in his hand and fought with all his might; it took two or three officers to hold him down.

Q. Is it customary to allow a prisoner to come out of his cell in such a case before he surrenders his instrument? A. No, sir; sometimes they throw it down.

Q. In this instance the prisoner did come out with the instrument in his hand? A. No, sir, I think he dropped it in his cell.

Q. And you poured water on him until he dropped the weapon? A. Yes, sir.

Q. Do you know what became of Pulcato? A. He was sent to the Auburn insane asylum.

Q. Had he been kept at work to this time? A. No, sir; he was confined as insane for a long time.

Q. And your object then was to get him out of his cell in order to transfer him to Auburn? A. Yes, sir.

By Mr. McDONOUGH:

Q. What time did this happen? A. About nine o'clock in the morning.

Q. Had he been out before? A. No, sir, he hadn't been out before for two or three weeks.

Q. What was he working at before he went in there? A. Working in the mess-room.

By Mr. KEYES:

Q. Take the case of John Harris, did you ever have occasion to punish John Harris? A. Yes, sir.

Q. Do you recall the facts of that case? A. About five or six weeks ago, Harris was reported as being short on his work, and I told his keeper to keep him locked in his cell the next morning, and I went and saw him and talked with him, and asked him the reason he didn't do his work; he said he couldn't do it; I said he had better try and do it; he said he would; then I sent him back to his shop; it went along three or four days and he was reported again for the same thing and I don't know but I put him in the jail—I think probably I did.

Q. Would that ordinarily be your first remedy? A. That would ordinarily be the first remedy—talk with him first—I don't remember whether it was twice I left him, and the third time put him in the jail—he promised me to go back and do his task—in a few days he was reported for the same thing—so I put him in jail that night and paddled him the next day.

Q. Was that a case of severe punishment? A. No, sir.

Q. About how many strokes of the paddle were necessary in that case? A. Oh, I suppose about ten or twelve.

Q. Before he would promise to do his work? A. He didn't fairly promise then—he fought then—I had to get some other officers and get him down by main force to get the handcuffs on—after paddling him I put him in jail and kept him there until he promised to go back and do his task.

Q. Was he very much injured by the paddling? A. No, sir.

Q. Any blood drawn? A. No, sir.

Q. How long was he kept in jail? A. I don't know whether one or two days after he was paddled.

Q. Was that the only occasion on which you had had occasion to punish him? A. Yes, sir.

Q. That was John Harris? A. Yes, sir.

Q. Frank Harris; that his brother? A. I never knew it; when you sent for him to-day I supposed that was his brother.

Q. Did you ever have occasion to punish him? A. I don't remember it.

By Mr. McDONOUGH :

Q. He is in the laundry? A. Yes, sir.

Q. What is his stint? A. Twenty-six shirts.

Q. What age is he? A. I don't know; I should think he is a boy about eighteen or nineteen.

Q. He gives his age as seventeen, do you think he should be expected to perform the same labor as a man? A. Why, yes; for he has been at it long enough.

Q. How long would you expect he should be at it before he could perform the task? A. It takes some longer than others.

Q. Do you think he has the physical strength or knowledge to do it? A. I am not supposed to judge of that; the doctor is the judge of that—as to his physical strength.

Q. Are you entirely governed by the doctor in those matters as to punishment? A. Not as to punishment—if the doctor says a man is not sick, I am to make him do his task.

A. The contractor with the consent of the State—the warden.

Q. You represent the State? A. Yes.

Q. And it is the State that requires him to do the twenty-six shirts?

A. Yes, sir.

By Mr. KEYES:

Q. Do you consider that twenty-six shirts is a reasonable task for a man of average strength and intelligence? A. Yes, sir; I think it is a reasonable day's work.

Q. Do you know how that task compares with the same quality of work done outside—the same kind of work? A. I think it is about two-thirds of the work done outside—I think the men outside generally iron by the piece; I know there is men in the laundry that have their task done by eleven o'clock.

By Mr. McDONOUGH :

Q. Are there any boys of about his age? A. I don't know any thing about the boys about his age, if he is only seventeen; I know this, I know they are done their tasks now—most of them in the laundry.

By Mr. KEYES:

Q. Is it your will in all cases where a prisoner desires to see the warden, or appeal to the warden upon any matter, to communicate that fact to the warden? A. Yes, sir; if a man asks me to see the warden I always report him to the warden.

Q. Do you remember the punishment of the man Jerry Sullivan? A. Yes, sir.

Q. Did you ever have occasion to paddle him? A. No, sir.

Q. Or Wilson—the last prisoner examined? A. Yes, sir.

Q. You had occasion to paddle him? A. Yes, sir.

Q. I don't know as it is necessary to inquire as to that—did you ever have occasion to punish Patrick Nicholson? A. No, sir.

Q. Or James Johnson? A. No, sir; Anthony Maher was punished one night in the dark cell.

By Mr. O'BRIEN.

Q. Have you ever punished James Douglass? A. James Douglass?

Q. Yes; he is in the fitting shop; George Lewis, Charles Marvel?  
A. James Douglass; let me see; there is a Douglass in the scratch shop I have punished.

By Mr. KEYES:

Q. Have you any knowledge of the punishment inflicted by keeper Bowes upon a prisoner known as the long-shoresman Hurley — spoken of by Mr. Blodgett? A. No, sir; I don't remember the man at all. I wasn't principal keeper when Blodgett was here.

Q. You know Blodgett, a former keeper here? A. Yes, sir.

Q. What would you say as to his general qualifications as keeper?  
A. I never saw a man more unfit for an officer than Blodgett.

Q. In what respect? A. In his appearance and his management of the men.

Q. How long was he here? A. He came here in April; he was here two days in April and he went away in June.

Q. During the time he was here were punishments frequently inflicted — have you any recollection on that subject? A. I know there were a good many punishments inflicted at that time.

Q. That was while Mr. Bowes was principal keeper? A. Yes, sir.

Q. And was it a frequent thing to hear the groans and moanings of prisoners in the yard or in the jail? A. No, sir.

Q. Could he hear that from his place of business? A. Not any more than you can hear them from where you are now.

Q. And a statement that such things came under his observation and that he was obliged to resign his position because he could not stand their moaning and groaning would be deemed incredible? A. Yes, sir; Mr. Blodgett never saw a man punished while he was here and he was requested to resign, and that evening in the village he called me aside and said 'he had been removed; that he was sorry; that he would like to stay.

Q. What was he, a guard or a keeper? A. He was a guard.

Q. And as guard would he be assigned to keeper's duty? A. Yes sir.

Q. Or if appointed as keeper he might be assigned to guard duty?  
A. Yes, sir.

Q. And his compensation would depend upon whether he did guard duty or keeper's duty. A. No; we have men here who do keeper's duty under a guard's pay, and as the man stays here he is promoted.

Q. In the first place men are not appointed as guards or keepers?  
A. They are appointed as guards.

Q. And while holding such appointment receive guard's pay, and if they are promoted to keeper's position receive keeper's pay. A. Yes, sir.

Q. A person appointed originally as keeper could he have been, assigned to guard's duty and receive guard's pay? A. No, sir; he would receive keeper's pay.



Q. Would the records of the prison show Mr. Blodgett's discharge ?  
A. I don't know but they would.

Q. You have his statement that he would like to have staid ? A. I have his statement that he would like to stay ; that he liked the business. To illustrate how unfit he was for an officer—instead of watching the men he was collecting their dirty clothes one day.

Q. That was no part of his duty ? A. That was no part of his duty ; I asked him what he was doing ; I said : " That is no part of your duty, your waiter ought to do that ; " he said : " Oh, I thought I would do it ; " I said : " You can't watch your men while you are doing that ; " and he laid the clothes down ; of course I had no authority over him, I only advised him.

Q. You were simply a keeper like himself ? A. Yes, sir.

Q. Do you know any thing of the case of Teddy Hess ? A. Yes, sir.

Q. Please state the facts ? A. He is an old convict, Teddy Hess is, I think he was here the third time ; he is at Dannemora ; he was sent back and he made up his mind not to work and I locked him up in the jail and kept him locked up for two or three days ; he began to play what the convicts call the insane dodge ; the doctor finally told me to send him to his room, and I did send him to his room and kept him there two or three weeks, and when I put him back in the jail he tried to hang himself and he turned his water on and flooded the cell.

Q. It became necessary to put him in jail ? A. Yes, sir.

Q. Do you know how long he was kept there ? A. Kept him there seven or eight days and took him out for a few days and then put him back for seven or eight days.

Q. Did you ever punish a prisoner by the name of Mackin ? A. No, sir ; I don't know a prisoner by the name of Mackin ; Mackin is a keeper.

Q. Do you know of any punishment inflicted by Mackin ? A. No, sir, he was never empowered to inflict any punishment.

Q. Have they facilities always for removing the refuse matter from the cells ? A. Yes, sir ; they have water there all the time.

Q. There is no excuse for a prisoner's cell becoming filthy ? A. No, sir.

Investigation adjourned, subject to the call of the Chair.

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<p>In the Matter of the inquiry and examination concerning the management of Sing Sing Prison</p>
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Before the Assembly Committee on State Prisons.

At a meeting of said committee at the Capitol at Albany, on the 17th day of April, A. D. 1882 :

Present — Messrs. KEYES and McDONOUGH, O'BRIEN and CLAPP.

*John J. Hornbeck*, called as a witness, being duly sworn and examined, testified as follows :



By Mr. KEYES :

Q. Where do you reside, Mr. Hornbeck ? A. At present :

Q. Yes ? A. Sing Sing.

Q. What is your position there ? A. I am yard keeper.

Q. How long have you been in that position ? A. About a year and a half or a little more ; I have been there two years.

Q. Connected with the prison two years ? A. Two years the 10th of April.

Q. Had you had any experience in connection with State prisons before you came to Sing Sing ? A. No, sir.

Q. You went there about the time Mr. Brush entered upon his duties as warden of the prison ? A. Yes, sir.

Q. Who was principal keeper when you went there ? A. Mr. Bowes.

Q. How long did he remain there ? A. How long did he remain there ?

Q. Yes ; after you came there ? A. I don't remember that exactly.

Q. Within a month or so, approximate it ? A. Oh yes ; it was longer than that a good deal ; perhaps six months.

Q. Who then became principal keeper ? A. Mr. Dixon.

Q. What are your duties as yard keeper ? A. Well, it is to see that the men are not allowed to pass around the yard without permission to do so ; see that they keep out of trouble, etc.

Q. You have no special charge of any gang of prisoners at work in the shops ? A. No, sir.

Q. How long do I understand you to say you have been in your present position ? A. Three or four months ; when I came there I had a company for three or four months, the rest of the time I have been in the yard.

Q. Did you know Mr. E. R. Campbell ? A. Yes, sir.

Q. Formerly keeper in the prison ? A. Yes, sir.

Q. During what portion of the last two years was he connected with the prison ? A. I think he was there, I couldn't say exactly, but somewhere in the neighborhood of six months, I should guess ; I couldn't tell exactly.

Q. Had you any means of knowing any thing of Mr. Campbell's qualifications for his duties as keeper ? A. His duties ?

Q. Yes ? A. Well I knew of his having a company while I was there ; when I first came there he had a company in the foundry.

Q. What do you know of Mr. Campbell's qualifications as keeper or guard in the prison ?

Mr. McDONOUGH — How he managed the men, what his abilities were ? A. In the management of the men, it was not good.

By Mr. KEYES :

Q. How would you characterize his management ? A. He had a loose way ; allowed them to do pretty near as they pleased without correction ; not tending to his duties as much as an officer ought to.

Q. Do you know of his habits as to profanity or otherwise ? A. I couldn't say as to that.

Q. You have no knowledge ? A. No knowledge ; no, sir.

Q. Or as to his discussing politics with the prisoners? A. Not of my own personal knowledge; I couldn't say as to that.

Q. Do you know of a convict by the name of John Daly now confined in the prison? A. Yes, sir.

Q. Have you known any thing of any punishment inflicted upon him? A. Yes, sir.

Q. What is the general character of that prisoner? A. Of that prisoner?

Q. Yes? A. Well from my knowledge, well he is a man that don't hardly ever say any thing, but I consider him a bad man, a dangerous man.

Q. Do you know of any instance where he has given trouble to the officers? A. Yes, sir.

Q. In what way? A. Well by not obeying as told to, as ordered.

Q. Do you recall an instance where he was required to give up a piece of paper that he was seen to have in his possession; please state the facts connected with that matter? A. Well I saw a paper; all I have knowledge of in that respect was concerning his having a paper one day, and I went and asked him to give it to me and he refused to.

Q. What kind of a paper was it? A. I should judge it to be a daily.

Q. It was a newspaper? A. Yes, sir.

Q. Well state what occurred? A. I told him to give it to me and he refused to give it to me.

Q. It was a violation of the rules of the prison to have a paper? A. Yes, sir; to have a daily paper; it may have been a paper he was justified in having, but he had it all folded up and he refused to give it up to me; I didn't attempt to take it away from him; I allowed him to keep it.

Q. Is that all of the occurrence? A. Nothing more than my reporting it to my principal; his not giving it up to me.

Q. Do you know whether he was punished for that disobedience? A. I think he was, yes, sir.

Q. Did you witness the punishment? A. I think I did, yes, sir.

Q. Please describe the punishment as you saw it inflicted? A. He was merely put in the jail for it; that is all; it is called the dark cell; that is all the punishment I know of.

Q. Do you know of any other instance where he was required to give up a piece of paper and refused? A. No, sir.

Q. Do you know of any instance where the prisoner John Daly was set upon by yourself and keeper Middleton and keeper Mackin and beaten with heavy sticks or clubs until he was insensible, and breaking his arm, bruising his head and body in a terrible manner? A. Not with Mr. Mackin being concerned.

Q. Did any occurrence of that kind take place with any keeper? A. Yes, sir.

Q. Give us a history of that occurrence? A. It was not concerned with his having any paper that I speak of.

Q. Please state what it was and when it occurred? A. I have no knowledge of the date.

Q. Well about when? A. Oh, perhaps it might be four or six weeks ago.

Q. That is near enough? A. I was ordered by the principal keeper to take him out of the company as he came in; as he was marching in; when they are taken out for punishment we have orders from the principal keeper to do so; and in this case Mr. Dixon knowing him to be a bad man told me to be careful.

Q. Why did he wish him to be taken out? A. That I have no knowledge of only what I heard.

Q. From whom did you hear it? A. Well, I heard that from — I think I heard Mr. Dixon, the principal keeper, speak to me about his being drunk.

Q. And that was the occasion of your being required to take him out of the ranks? A. Yes, sir; that is what I understood.

Q. Go on and state what was done — state the further facts of the case? A. I know he ordered me to go and take him out; he also ordered Mr. Sarles to be there — he was there and Mr. Middleton was there as it happened, were all three there when he came up.

Q. State what was done? A. I told Mr. Sarles to step on one side of the company and I would be on the other; I told him how I would do it — that I would take him by the collar and that he would be on the other side, so that if he jumped out that side he would be there to catch him, at the time he hauled up to hit me with a bucket.

Q. The prisoner? A. Yes, sir; he had a bucket at the same time; Mr. Sarles struck him on the head — that is he struck at him — I suppose he hit him.

Q. Go on? A. After he came out on that side he dropped that bucket and started over a little piece from the company and got where there was other buckets that belonged to another company and he got ahold of those and was going to fire them; as he done that Mr. Middleton struck at him and to the best of my knowledge he broke his stick on his bucket — I don't think he hit him at all, and when he fell I hit him — I hit him and knocked him down — he was partly down when I hit him.

By Mr. McDONOUGH :

Q. State what you hit him with? A. With a stick.

By Mr. KEYES :

Q. With a cane — an ordinary cane? A. Yes, sir.

Q. A hickory cane? A. Yes, sir.

Q. Is that all? A. Yes, sir; then one on each side of him marched him down to the principal's office.

Q. Was the prisoner's arm broken in this affray? A. Not that I know of.

Q. Have you any knowledge that his arm was broken or that he was otherwise seriously injured in that affray? A. We took him into the hospital right away and had his head dressed — I was there when they dressed his head.

Q. Have you any knowledge that he was punished for this disobedience? A. He was put in the jail that night.

Q. Do you know of any other punishment that he received? A. No, sir; not at that time.

Q. He was not paddled? A. No, sir; not to my knowledge.

Q. What other keepers were present at this difficulty with Daley?  
A. Mr. Sarles and Mr. Middleton.

Q. They witnessed the whole affair? A. The taking him out of the company—they were all three—after that only Mr. Sarles and myself.

By Mr. McDONOUGH :

Q. When this man had the paper—you say a man was allowed a paper in his cell—what are they allowed there? A. This was not in his cell.

Q. What papers are they allowed there? A. Story papers and weekly papers—but not dailies of any kind.

Q. When you asked him to give up the paper did you know that it was a daily or a story paper? A. No, sir.

Q. If it was a story paper he had a right to it? A. Yes, sir; he had no right to read it there if it was a story paper; no convicts are allowed to read papers as I understand it during working hours.

Q. State why he was put in the dark cell? A. For not giving up the paper, as I understood it.

Q. How long was he kept there? A. I think over night.

Q. Have you any positive knowledge of it—don't you know whether he was in the work-shop the next day? A. I don't know.

By Mr. KEYES :

Q. Was it your duty to understand what paper he had in his hands? A. Yes, sir; I always understood it so.

By Mr. McDONOUGH :

Q. Are not your duties laid down to you? A. Yes, sir.

Q. Then don't you know whether it was your duty or not? A. Yes, sir, it was my duty.

Q. This man was allowed to be drunk; do you know about that; was he drunk? A. I couldn't tell.

Q. Do you mean to say you couldn't tell when a man was intoxicated? A. No, sir, I don't mean to say any thing of that kind.

Q. Hadn't you an opportunity to judge whether he was or not? A. No, sir; he might be around a week and I not be where he was.

By Mr. KEYES :

Q. Do I understand you to say he was drunk when you were required to take him out of the line, or that you were told that he had been drunk and that he was to be taken out of the line because he had been drunk? A. I know that he was charged with being drunk, that he had been drunk time and again.

Q. I want to find out whether you were informed that he was drunk then, or because he had been drunk before or was drunk then and was to be taken out because he was drunk then? A. He had been drunk.

Q. He was not drunk at that time; he was not taken out of the gang because he was drunk at that time? A. No, sir, not at that time.

By Mr. McDONOUGH:

Q. From whom did you hear that this man had been drunk several times? A. Well I think it was the principal keeper that told me, although it is very rare that he tells any thing of that kind, although I think he did in this case; it is very rare that he speaks to me about things of that kind, but I think he did speak to me about it at this time; I can't tell you what he said at the time.

By Mr. KEYES:

Q. What who said? A. Mr. Dixon.

Q. Do you know any thing of the case of a prisoner named George Wood, who died in Sing Sing prison about November 1, 1880? A. Well, I don't recall the name to my knowledge; I am not familiar with the names there; I remember the countenances but not names.

Q. Do you remember a prisoner by the name of Frank Cunningham? A. If you would state some of the circumstances I might bring to mind something in regard to it.

Q. I will repeat that question then, George Wood is said to have been put to work on the shoe contract, that his health failed, that he begged to be put at work where he could breathe fresh air, but his request was denied, and through fear of the paddle he labored on till completely broken down and unable to stand? A. I don't know any thing about that case — don't come under my observation at all.

Q. Do you know any thing of the case of Frank Cunningham, who died in February, 1881? A. I think nothing of that kind comes under my knowledge at all; I don't recollect the man in any way; I don't know Mr. Cunningham.

Q. Do you know any thing of the case of George Henry, a colored man in Sing Sing? A. No, sir.

Q. He was on the shoe contract and repeatedly paddled and put in the dungeon? A. Not by name, no, sir.

Q. Do you know any thing of the case of Cornelius Lynch, the machinist who was ordered to make some repairs while the machinery was in motion, his clothing became entangled in the revolving shaft and when extricated and carried to the hospital the doctor was not there and he died in a few hours? A. I remember the man, but I don't remember his receiving any punishment.

Q. Do you remember the circumstances connected with the accident? A. No, sir, only hearsay.

Q. Do you know any thing of the case of William Brandon; do you know any thing of that case? A. I don't know the man, sir, that I know of.

Q. Died on the 4th of March, 1881, you have no recollection of that? A. No, sir.

Q. Do you know of the case of James Mackinson, a colored man employed on Penn & Company's contract, died about a year ago? A. Not by name, sir.

Q. Do you know any thing of the circumstances connected with his death? A. I don't know any thing about the circumstances.

Q. You don't recall a case of that kind? A. No, sir.

Q. Do you remember any thing of the case of Charles Smith, died November 30, 1881? A. No, sir; where did he work?

Q. This article does not state where he worked? A. I don't recollect that I know any thing about him.

Q. I mentioned these cases because they occurred during Mr. Hornbeck's term in prison? A. No, I do not.

By Mr. McDONOUGH:

Q. Do you recollect any thing of any funerals taking place there? A. Oh, yes, I recollect about some funerals taking place there.

Q. Some of those Mr. Keyes speaks about? A. Those are something I know very little about.

Q. What time of day do they occur? A. That is something I don't want to go into, because I know nothing about it.

By Mr. KEYES:

Q. Have you any knowledge of the case of Williams, who jumped out of the laundry window to escape paddling and broke his arm? A. Not by name; no, sir.

Q. You didn't witness the occurrence? A. No, sir.

Q. Do you know any thing of the case of a convict by the name of Smith, who jumped off the laundry stoop and dislocated his leg; did you witness any such occurrence? A. No, sir.

Q. Have you any knowledge of the case of a prisoner named ——, who jumped off the stoop and dislocated his leg? A. I didn't witness that, but I saw him afterward, and I understood so and so was the case; I have no knowledge as to the extent he was disabled in the way you speak of, that is all.

Q. I think I asked you whether you know John Gray the ex-convict, you don't know him? A. Not that I know of.

Q. Have you any knowledge of the case of John Moore, a convict who was alleged to have been paddled to death? A. No, sir; if that has been done it has been done when I wasn't there.

Q. Does your position in the yard there as keeper give you means of knowing generally what is going on in the prison? A. Only so far as the yard is concerned, and assisting the principal keeper, those are the whole of my duties, excepting making one relief.

Q. It is the duties of the principal keeper, among other things, to make the punishments? A. Yes, sir, it is.

Q. And if you are connected with the principal keeper wouldn't you have an opportunity of knowing what was done in the matter of punishments? A. Yes, sir.

Q. I understand you to say in the cases I have named you have no personal knowledge of the punishments inflicted on the men? A. Not knowing the names that you speak of, though there is men that I recognize.

Q. Do you know a prisoner by the name of Melson? A. Nelson.

Mr. BRUSH — It is John Nelson.

Mr. KEYES — It is Melson here.

Mr. BRUSH — John Nelson is the true name.

By Mr. KEYES:

Q. Do you know John Nelson? A. Not by name.

Mr. BRUSH—The florist last year, he attended to what was called the flower business. A. Oh, yes, I know him.

By Mr. KEYES:

Q. You knew him, did you? A. Yes, sir; Mr. Brush mentioning the name, now I know it.

Q. What was the character of the prisoner Nelson, what sort of a man was he in the prison? A. Until the latter part of his term I knew nothing about him as a man.

Q. During the time you knew him was he troublesome or otherwise? A. Not during the time I knew him, he was not.

Q. Do you know any thing of his being punished by being paddled or otherwise? A. No, sir.

Q. You have no personal knowledge of it? A. No, sir.

Q. Have you ever witnessed a case of paddling in Sing Sing prison? A. Yes, sir.

Q. In what case; what was the name of the prisoner? A. I don't know of any; those names are not familiar because I have no knowledge of what the names are.

Q. You mean the true name or what the prison name is? A. Neither one.

Q. You don't know them by name? A. I don't know them by name, no sir, only a very few.

Q. When did you last witness a case of paddling? A. I forgot the name, but it was about —

Q. I say when? A. I think it was about last Thursday or Friday — about that.

Q. Do you know the name of that prisoner? A. No, sir, I can't say that.

Q. Who inflicted the punishment? A. Mr. Scripture.

Q. Do you know what the offense was for which he was punished? A. Yes, sir, that I saw myself.

Q. What was it for? A. That was for breaking a sewing machine and knocking the head foreman down.

Q. Did you witness the offense? A. Yes, sir.

Q. Did you report it? A. No, sir.

Q. Who did? A. I couldn't say.

Q. Who witnessed the punishment besides yourself? A. Mr. Middleton I think was present.

Q. Please describe the manner in which the punishment was inflicted? A. His hands were handcuffed and put up against the side of the wall, the same as the side of this partition, here is another handcuff and his pants taken down and he was paddled.

Q. Did you see the paddle? A. Yes, sir.

Q. Describe it? A. Well, it is a piece of leather about that length (indicating) I should think perhaps, the handle was as long as that (indicating.)

Q. The same instrument that was exhibited to the committee when



they were at Sing Sing? A. Yes, sir, they have only had one there for twenty months to my knowledge.

Q. How many blows were inflicted in this case? A. Well, that is something I never kept count of, I should think, perhaps, he didn't get over — I don't think he got over six or eight.

Q. After the first one or two blows was an opportunity given him to submit? A. Yes, sir.

Q. Your understanding is that the punishment would cease if he would submit to the discipline? A. He didn't say that it was to cease if he would submit.

Q. Were the blows inflicted continuously without stopping? A. No, sir.

Q. How many at once? A. Oh, he would give him two or three and talk to him and then give him a couple more and talk to him.

Q. Did he ask the keeper to stop? A. Yes, sir.

Q. And the keeper did stop? A. Or words to that effect.

Q. Well, what did he say — what did the prisoner say? A. He said he would never do any thing of the kind again and that he would do as he was told to and never make any further trouble.

Q. Was his person seriously injured by the paddle? A. No, sir.

Q. Did he show any marks? A. Yes, sir.

Q. Did he cry out as if in pain? A. Yes, sir, more than it seemed to me to hurt him.

Q. But was the punishment in your judgment reasonable in degree and violence? A. It wasn't in the least severe at all, very much the reverse.

Q. What do I understand the name of this prisoner was? A. I didn't mention that; I don't know his name; there is so many different names there and I generally have no particular dealing with them in that respect to give me any knowledge of their names.

Q. Do you know James Robinson who worked in the shoe-shop who contracted disease, became consumptive and died? A. No, sir.

Q. You have had occasion to observe keeper Dixon as to his manner of treating the prisoners? A. Yes, sir, ever since he has been principal I have waited on him.

Q. State to the committee the result of your observation of keeper Dixon — what is his character as a keeper and as a man? A. In my opinion he couldn't be beat by any other man; he is a gentleman.

Q. Have you seen any instances of violence or brutality on the part of keeper Dixon? A. No, sir, the very reverse of it.

Q. State what you have seen in regard to his temper and bearing toward the prisoners? A. Always very cool, never saw him get excited; always talks pleasantly with the prisoners.

Q. Have you ever heard keeper Dixon expostulate with the convicts and advise them as a man? A. Oh, yes, a very great deal.

Q. Is he in the habit of doing that? A. Yes, sir.

Q. What is the feeling of the prisoners themselves generally toward keeper Dixon? A. They all seem to like him very much, both the prisoners and the officers in every respect both as a keeper and as a man, and I myself think he is as good a man as could be put in that position.

Q. Do you know anything of the prisoners on Sunday? A. Well I

have known them to work Sundays but I haven't much knowledge of that, although I have known it to be the case that they did.

Q. What would be the occasion of the Sunday work? A. It would be some such work they wouldn't be able to do during the week on account of being obliged to do their other work.

Q. Such as repairs to the machinery? A. Yes, sir; where the machinery would have to be stopped, that is what I mean.

Mr. CLAPP appears:

Q. Have you any knowledge of any corrupt or unlawful influence being used with the keepers or with any of the officers of the prison to secure favorable treatment of the prisoners or for any prisoner? A. No, sir.

Q. Have you knowledge of the alleged partiality shown prisoners by officers of the prison or contractors? A. No, sir.

Q. Do you know of any prisoners who are sick and feeble or weak physically who are overworked or treated with severity? A. No, sir.

Q. Have any cases of that kind come under your knowledge since you have been at Sing Sing? A. No, sir.

Q. Would you be in a position to know of such cases if they had occurred? A. Yes, sir; I would somewhat.

Q. You see the men as they march to the shops and to the dining-room? A. Yes, sir; and I have taken them there myself and back.

Q. And if any of them were sick and feeble and unable to perform their work, would you be likely to observe the fact? A. Often times.

Q. And have you observed any such fact?

Q. Have you seen any evidence, Mr. Hornbeck, that the State prison at Sing Sing is conducted in the interest of the contractors and that the welfare of the prisoners is made subordinate to the interest of the contractors? A. I think nothing more any way that I know of, but what is just and right and proper.

Q. Do you know of any instance where the contractors or their agents have in any manner attempted to interfere with the discipline of the prison? A. The contractors?

Q. Yes? A. No, sir.

Q. Have you ever heard it intimated among the prisoners or the officers of the prison that the interest of the contractors is paramount to the interest of the prisoners? A. No, sir.

By Mr. McDONOUGH:

Q. In other words, that they are overworked, or did more work than they were able? A. No, sir.

By Mr. KEYES:

Q. Have you heard any complaint among the prisoners that they were being hired out to the contractors? A. No, sir.

Q. Have you ever heard any of the prisoners express a desire for the abolition of the contract system and for the restoration of the public account system; working for the State?

By Mr. CLAPP:

Q. Changed back from the contract system to the State system?

By Mr. KEYES :

Q. Have you ever heard any prisoner ever express any preference for the work under the State rather than work under the contractors?

A. Oh !— Well I don't just recollect any case of that kind, I have a knowledge that they would.

Q. That they would rather work for the State? A. Yes, sir.

Q. Have you ever heard the matter discussed among the prisoners? A. No, sir.

Q. Would matters of that kind be allowed for discussion among the prisoners? A. No, sir.

Q. If discussed it would be privately and secretly, and without the knowledge of the officers? A. Yes, sir.

Q. But do I understand you to say that you have heard remarks of the convicts, indicating that preference; a preference for State work? A. Well, I can't bring any case to my knowledge that I have.

Q. But you have a general knowledge that you have heard such a remark? A. Yes, sir.

Q. In your judgment does the contract system in any way interfere with discipline of the prison and the proper consideration and welfare of the prisoners? A. I don't know as I understand that exactly.

Q. In your judgment does the contract system in any way interfere with the discipline of the prison and the proper consideration and welfare of the prisoners? A. No, sir.

Q. You think they are just as well off under the contract system as they would be under the public account system? A. The public account system?

Q. Under the the old system? A. Under the contract system they would have a task to do as soon as they could do one—working for the State often times that isn't required—on that account I have an idea—perhaps I have heard it—I can't bring any instance to my knowledge now—that they would rather work for the State on that account.

Mr. KEYES—Mr. McDonough, do you care to ask him any questions.

Mr. McDONOUGH—This gentleman don't seem to be in a position to know any thing about any thing, except what happens in the yard.

By Mr. KEYES :

Q. Have you any recollection of the circumstance of Mr. Campbell's—where a keeper in the prison sending a person on an errand to the carpenter shop and his being stopped by you? A. What was his name.

Q. I don't recall his name? A. I think I remember one that he referred to in his article.

Mr. BRUSH—McCormick I think his name was.

By Mr. KEYES :

Q. State what there was about that? A. When they are out in the yard it is my right to know whether they have a right out there by having a pass; they have no right there without having a pass.

Mr. McDONOUGH—Mr. Chairman, I would suggest that when the

witnesses are subpoenaed they are subpoenaed to tell the whole truth and not simply to answer the questions.

Mr. KEYES — That is what we want ; we want you to go on and state all the facts. A. My questions to him and his answers ?

Q. Yes ; just state what occurred ? A. I inquired of him if he had a pass, being out of the shop of course he came under my jurisdiction ; he refused to tell me whether he had or not ; I inquired of him where he worked and he told me in on the floor, and that was no satisfactory answer ; I asked him who his keeper was ; he wanted to know what I wanted to know that for. Well, I asked him a few other questions to ascertain where he belonged and he avoided answering my questions, and I finally asked him whether he intended avoiding my questions and he said yes ; I then told him to go with me, he refused to do so and I gave him a shove on the shoulder and told him to go with me ; he hauled up to hit me, he drew his arm back to hit me ; I paid no attention to it and as soon as he dropped his arm I gave him another shove and he raised his arm again and I told him the third time to go with me and he did the same thing ; then I was going to hit him, I drew back for that purpose and he started and run, I followed him in the direction he was going ; he went in a door, he was about four feet ahead of me and he shut the door and kept hold of it ; I didn't know his name ; I had to recognize him from what I see of him. I went around in the different shops thinking I would recognize him and I did ; I found him in Mr. Campbell's shop and I asked Mr. Campbell his name and the number of his cell ; he gave it to me and I gave it to Mr. Bowes, the principal keeper.

By Mr. McDONOUGH :

Q. What was the result ? A. The result was he was left locked that night and the next morning I was sent after him for punishment ; I brought him down and he was punished — paddled.

By Mr. KEYES :

Q. You witnessed the paddling ? A. Yes, sir.

Q. When was this ? A. This was during the time Mr. Bowes was principal keeper.

Q. During the early part of your term ? A. Yes, sir.

Q. Did you know this man by sight before that ? A. No, sir ; I knew him when I see him the second time.

Q. You didn't know whether he had a pass at that time or not ; the reason you stopped him was for the purpose of ascertaining whether he had a pass or not ? A. Yes, sir ; that was not what he was punished for — not having a pass.

Q. No, but for disobedience to the discipline of the prison in refusing to answer ? A. Yes, sir, that he used very unbecoming language to the principal that time ; perhaps he might not have been paddled except for that.

Q. Used unbecoming language, when ? A. When he was brought in the room.

Q. Were the duties of this prisoner such that he was required to pass frequently from one shop to another during the day ? A. By having a pass he would have a right to.

Q. Suppose in the early part of the day he had exhibited a pass would you have required him to show his pass? A. Every time.

Q. Would you require him to show his pass every time after that? A. No, sir, not every time.

Q. At this particular time had you requested him to exhibit his pass? A. I hadn't before that, not on that day or any time afterward.

Q. Is it true that in the case of this prisoner he had been passing to and fro, and you knew him, who he was, and that he had a right to pass from one shop to the other? A. I never allowed him to pass me without knowing he had a pass.

Mr. KEYES — Mr. Brush, do you remember what Mr. Campbell stated about that?

WITNESS — He also stated that he was punished for not having a pass.

By Mr. BRUSH :

Q. Don't they have two kinds of passes, one a permanent and one a temporary pass? A. Yes, sir.

By Mr. KEYES :

Q. Please explain this pass system? A. There are contract runners and men that have access to the yard a good deal and they have a general pass, and those passes are different; some passes pass them all over the contract; in a short time I know about them who have passes.

Q. You wouldn't require the pass to be exhibited every time where you knew the prisoner? A. Oh, not at all, unless I should forget what kind of a pass he had; then there are others that only have a pass from their keeper.

By Mr. BRUSH :

Q. Do you know any thing about the case of McCormick? A. I am confident that he had none; that's the reason, I am satisfied that he avoided answering me.

By Mr. KEYES :

Q. No pass was found upon him? A. No, sir; I am confident that he hadn't any.

By Mr. McDONOUGH :

Q. Relative to drinking in the prison, did you ever before hear it alleged that prisoners were drunk, except in the case of Daley? A. I have heard of it, yes, sir.

Q. Frequently? A. No, sir, not frequently; I know I have heard of it before.

Q. Well, it would be a good thing if you would give an account, if you can, as to how they are able to secure liquor? A. It would only be my judgment.

By Mr. BRUSH :

Q. I think you have found liquor in the yard? A. I have found it; I have found bottles before now that I was satisfied that contained liquor by the smell.

By Mr. McDONOUGH:

Q. Wouldn't it be a matter that would be investigated by the warden? A. Oh, no, the keeper would look after that as strictly as he could.

Q. That is what I say, that it would be looked after; or does it occur so frequently that it isn't looked after? A. Oh, it is looked after.

Q. To what source do they trace it; by whom is the liquor furnished? A. It is only a knowledge that I would have from my own knowledge as to where it came from, if I did I would report it.

Q. That isn't exactly what I asked; I ask do the authorities investigate; do you make any effort to find how they get it; what steps are taken by the warden or principal keeper when such a thing occurs? A. I only have a knowledge except so far, perhaps, as the steps the principal would take in regard to it, that would be perhaps in obedience to Mr. Brush's orders.

Q. In the case of Daley do you remember of the principal's making any report to the warden, calling on any of the convicts? A. No, sir.

Q. It was never learned, then, to your knowledge, how the prisoner got the liquor? A. No, sir; although it may have been done pretty often I might not have a knowledge of the facts.

Mr. BRUSH — There is only one thing that has suggested itself to my mind, that is in regard to the principal keeper's talking to the men; I would like to have him state a little more fully in regard to that.

By Mr. KEYES:

Q. Please state what the habit of Keeper Dixon is as to visiting the convicts, and talking with them, and showing leniency toward them?

A. Well, sir, if they were reported to him for any thing for which he would consider himself justified in having them locked up, in the morning he would always go and talk with them, and hear what they had to say, and talk with them concerning whatever they had been locked up for; and a very great many times lets the men off on their agreeing to do better.

By Mr. McDONOUGH:

Q. Talking kindly to them? A. Yes, sir; he does a very great deal; because a man is locked up that is no surety that he is going to be punished; he always talks with them; he always does it and very often that is all that is done. I have been present, perhaps, at all the punishments that have been done there since I have been in the yard; there is very little punishment done with the paddle but what I have been present.

Q. What was the character of Mr. Bowes as a keeper of the prison? A. Well, I always liked him good myself, I never had any reason to find fault with him.

Q. Well, as to his treatment of the prisoners, his disposition, temper, manner toward the prisoners, what have you to say? A. Well, I think, it was quite, some more severe than Mr. Dixon's.

Q. Did you ever see him paddle a prisoner? A. Yes, sir.



Q. Did you ever know of his striking a prisoner as many as a hundred blows in any one punishment? A. No, sir.

Q. Did you ever know of his striking a prisoner as many as fifty blows in any one punishment? A. No, sir.

Q. Were you generally present at such punishments? A. I think for three months I was present.

Q. Did you ever witness a case of punishment inflicted by Mr. Bowes that you thought severe, unreasonably severe? A. I can't say that I did, I have known him to punish men severely, but it was in cases where it required it.

Q. It was in cases where the convicts were bad? A. Yes, sir, very bad; I have known him to punish very severe, but it was in cases where it required it; at the time he came there it required, in my judgment, a good deal of punishment, because the prison then was in nothing like as good shape as it is now; there used to be a very great deal more punishment at the time he was there than there is now.

Q. To what do the diminution of the punishment in the prison — A. How is that.

Q. To what cause do you attribute the decrease of punishment in the prison? A. I think, in carrying out a stricter discipline and living up to it to be just and right in every particular, or in other words, not letting the convicts do just as they have a mind to; to run all over and do as they wish.

By Mr. OLAPP :

Q. You say that for about three months you were present at punishments? A. That was during the last time that Mr. Bowes was there.

Q. About how long ago was that? A. About two years ago now.

Q. During that three months how many cases of paddling did you witness? A. A good many.

Q. About how many — as many as twenty? A. During that time?

Q. Yes; twenty cases of paddling or more or less? A. I think more.

Q. Were there modes of punishment during that three months other than confinement? A. And the paddle?

Q. Yes. A. The two together?

Q. Yes. A. That's all.

Q. And the showering? A. That's only where a man won't come out of his cell.

Q. How many cases of that kind do you remember? A. I couldn't state that, because I have no reason.

Q. Well, somewhere — approximate it? A. Under Mr. Bowes, do you mean?

Q. During that time, that three months, when you were present, I understood you to say that was the time you witnessed the punishments? A. I was present during three months of Mr. Bowes' punishment and during Mr. Dixon's time I have always been there.

Q. When would the showering be resorted to? A. There might be a time when a man would refuse to come out of his cell.

Q. How would that be done? A. It would be in a case where a



man if left in his cell for punishment and when we go for him he refuses to come out.

Q. Then what would they do to him? A. He would probably have a knife and would refuse to come out and I would talk to him and try to get him to come out, then I would report him to the principal keeper, and then he would go and talk to him — I don't know what he would say to them — but I think he would go there and talk to them, and if they don't come out he would have the hose placed.

Q. How was that done — was the cell boarded up? A. No, sir; the door was left shut and the hose put through the slats — any time he would come out he would always stop.

Q. Would the water run out of the cell or was it so confined that it would flood him? A. The water would run out — there is an opening at the bottom where the water would run out — we could close that if we saw fit.

Q. That is what I mean, whether that was closed? A. It is most always left open.

Q. In the case of paddling — for what kind of offenses was that used? A. Where they wouldn't come out.

Q. No; paddling I refer to now? A. Oh; it would be for insolence and fighting.

Q. Fighting with whom? A. Fighting among themselves; sometimes they wouldn't be punished for it — not always — probably be put in the cell over night and let out the next day; it would depend upon circumstances, who it was and all about it.

Q. About how many blows have you any recollection of any one prisoner's having received with the paddle — one punishment — I don't expect you to tell the exact number, but about how many? A. I should suppose in any ordinary punishment the number of blows would be a dozen.

Mr. McDONOUGH — He means the greatest number? A. Perhaps twenty, that would be my judgment.

By Mr. CLAPP:

Q. What would be the appearance of the prisoner after the use of this paddle — blood drawn or skin broken? A. No; generally it would be blackened and swollen some — in more severe cases it would be blackened — that would be about the extent of it.

Q. You have no knowledge of any permanent injury being inflicted because of that mode of punishment? A. No, sir, not at all; for a year and a half I have seen paddling — about all that has been done.

Q. You have been present when it was done? A. Yes, sir.

Q. Well, did the punishment always cease on the prisoner yielding and promising obedience or what was required of him? A. Yes, sir; particularly so with Mr. Dixon.

Q. You consider that the most severe kind of punishment that is used in the prison — paddling? A. Yes, sir, it is considered so.

Q. Prisoners dread that more than any other? A. Yes, sir; I wouldn't want to stay there if it wasn't —

Q. You think it necessary for the discipline of the prison? A. I wouldn't want to stay there if it wasn't used or something to take the place of it in every particular.

Q. You say the punishment isn't resorted to as often as it used to be; about how often is the punishment resorted to, for instance for the last month, how often is the paddle resorted to? A. They use to do it every day — but now —

Q. At the present time how is it? A. At the present time—I have known it to go months without any one being paddled to my knowledge—perhaps there might be one or two—but weeks at a time.

Q. For the last year, would it average one a week? A. For the last year, I think it is too far back for me to get at it.

Q. Well for the last six months? A. Well, that I can't say for it run along in streaks; it varies more than you have any idea of; sometimes it all seems to come at once and then, again, there may not be any.

Q. The lower kind of punishment is confinement? A. In the cell.

Q. Or solitary? A. Yes, sir.

Q. Have you what is called a dungeon or dark cell that is used for punishment? A. They are called that, but there is light in them—they have windows in them; there are windows right in front of each cell.

Q. During the time of such confinement are the prisoners supplied with the usual amount of food? A. Yes, they are always fed while in there.

Q. Not the same amount as when at work? A. No, sir; they are not given so much then.

Q. Do you know of any instance of a convict being deprived of food for twenty-four hours as a matter of punishment—food and water? A. Well, a man might possibly be put in the cell in the morning and he might be left till the next morning and might be fed the next day.

Q. Well, if he were put in in the morning of one day would he have food and water supplied to him until the next day? A. He would have water all the time; but his regular rations he would have the next day.

Q. Wouldn't have any that day? A. Wouldn't have any food the day he was put in.

Q. How long have you known a prisoner to be confined in this manner with a short allowance of rations? A. How long have I known them to remain there with short rations?

Q. Yes, one punishment? A. I couldn't speak of my own knowledge on that point.

Mr. KEYES—I was going to suggest that the prisoner was not in a position to know that.

Mr. O'BRIEN—I might call his mind to the longest ones—the two longest ones—the two longest would be Smith and Teddy Hess; Smith would be the longest.

WITNESS—Yes; I know he was the longest.

By Mr. KEYES:

Q. How long was he confined? A. I don't know of my own knowledge.

*Patrick Mackin*, called as a witness, sworn and examined, testified as follows:

By Mr. KEYES:

Q. You are a keeper in Sing Sing prison, are you, Mr. Mackin? A. Yes, sir.

Q. And have been, how long? A. I have been going on four years.

Q. Have you occupied the same position all the while? A. Yes, sir; I never was in but one kind of shop.

Q. What is that? A. Foundry.

Q. Who are the contractors in that shop? A. Perry & Co.

Q. And have been during all the time you have been connected with the prison? A. Yes, sir.

Q. Have you seen any evidence during your term as keeper of that shop, that the shop is run in the interest of the contractor to the prejudice of the discipline of the prison and to the detriment of the prisoners? A. No, sir.

Q. Have you heard any thing of that kind intimated by the prisoners? A. No, sir.

Q. Have you seen any instance where the contractors or their agents have interfered with the discipline of the prison? A. No, sir.

Q. They have no right to interfere with the discipline of the prisoners? A. No, sir.

Q. Has any contractor or agent of the contractors ever approached you with a view to influence you as a keeper in your management of the prisoners? A. No, sir.

Q. Has any contractor or agent of a contractor sought to use your influence to obtain more work out of the convicts than they were properly entitled to? A. No, sir.

Q. In your shop have the contractors or their agents authority to change men from one kind of work to another? A. Oh, yes; they can change a man from one kind of work to another—they can change him to a different kind of work—but they haven't got any authority to remove a man out of the shop.

Q. But in the shop they have the discretion to change men from this kind of work to the other? A. Yes, sir.

Q. In your judgment are the men placed at the kind of work that they are best adapted to? A. Yes, sir.

Q. Have you any knowledge of cases where men were placed at work, where they were physically incapable of performing the work? A. They have been unable to do the work, but they were changed when they were reported to the doctor.

Q. When a convict begins to complain that he can't do his task, do the authorities investigate his complaint? A. Yes, sir; he is taken to the doctor.

Q. In your judgment are such complaints sometimes made without proper ground? A. Very often.

Q. Do you discover any disposition on the part of convicts to shirk their tasks—to endeavor to get rid of them? A. Yes, sir; most of them would be glad to get rid.

Q. Do you notice a disposition among the convicts to be entirely rid of working—what is their feeling about it? A. The feeling is they had rather have more liberty about it—they don't want to be locked in their cells; the discipline is more severe than they like.

Q. Do you know any thing of the magnitude of the task required

of the prisoners as compared with those of men working in outside establishments? A. Yes, sir; a little.

Q. How do they compare? A. The men outside does about one quarter more work and a little over than the men inside of the prison.

Q. In the same number of hours? A. Yes, sir; I have been in several shops outside, I have seen men doing nearly twice as much work.

Q. In your judgment are the tasks imposed upon the prisoners reasonable? A. Yes, sir; there is no man in my shop that has a task he can't do.

Q. And if he doesn't do it, it is because—? A. He shirks his work; I have thirty-two moulders in my shop; and they can have their work done up before dinner; a few of them; there is at least fifteen of them that have it done before dinner.

Q. Is that any thing remarkable about these men? A. No, sir.

Q. When a man is learning his task, is a prescribed task given him? A. No, sir; he is supposed to be there two months before a task is put on him; and then it is owing a good deal to the keeper, whether any task is put on him or not.

Mr. O'BRIEN appears and takes the chair.

WITNESS—I brought my task book along; I thought perhaps you might want to look at it and the work the men do. (Witness produces book.)

By Mr. KEYES:

Q. What is this? A. This is a task and work book. A copy of said book is hereto annexed, marked Exhibit G.

WITNESS—That book run out Sunday night.

Q. How many men have you on this list? A. Thirty-two.

Q. You can tell us best what the book shows; please state the result of your examination of this book, as to what it shows as to the work done by the prisoners? A. Here is a man, George Reilay, his task is twenty-four flasks, small flasks, flat heater tops for an oil stove; he puts up twenty-five flasks a day.

Mr. CLAPP—What is his task? A. Twenty-four; he puts up an extra one, he is one hundred and eleven pieces ahead now.

Q. How long has he been making that one hundred and eleven credit? A. I was in that shop since last December.

Q. He has made that since that time? A. Yes, sir; there is another man. John Francis, he is nearly five hundred pieces ahead in that time.

Q. Got any short? A. Yes; here is a man by the name of Stringer—Alfred Stringer, he is about eighty pieces behind.

Q. How long has he been losing that number? A. I should think he is there about four months—five months.

Q. Is he a new man? A. Yes, sir; a good deal of his work came back; he was in a dark place, and I thought he wasn't at fault in losing that.

Q. Was that charged to him? A. No, sir, the principal keeper came in the shop and I told him I thought he ought not to lose that.

Q. That don't enter into that eighty? A. No, sir.

Q. Do you think he will be able to make up that eighty in the next six months, say? A. Yes, sir, a good deal more, as soon as he gets a flask with two pieces in, sometimes one; when he gets a flask with only two pieces in he will run ahead very fast.

By Mr. KEYES:

Q. Are you a practical moulder yourself? A. No, sir.

Q. But you have been employed in moulding shops outside? A. No, sir, but I have been in them.

Q. You speak from observation? A. Observation, yes, sir.

By Mr. CLAPP:

Q. Are the men ever punished for non-performance of their tasks in your shop? A. No, sir, a man is punished when he can work and won't work.

Q. Have you had a man punished for that? A. No, sir, not lately; I have had men say to me they could work outside and make a living outside, but they wouldn't work in the prison.

Mr. BRUSH—I will refresh your memory; didn't you report Stringer last week? A. Yes, sir, he was put in the dark cell.

By Mr. CLAPP:

Q. How has he done his work since that? A. A good deal better; I reported him first; the first time he gave insolence to the keeper and to me; he was locked up, and when he came out he did his work and has done it right along since.

Q. What are the hours? A. They go to work at seven o'clock, and the whistle blows at six.

Q. Do they have a rest for dinner? A. Yes, sir.

Q. An hour? A. Yes, sir.

By Mr. McDONOUGH:

Q. You think it is an hour? A. Yes, sir, the whistle blows about five minutes, and I think it is half-past twelve when we go back.

By Mr. CLAPP:

Q. It is practically ten hours that they have to do the work in? A. Yes, sir.

Q. Do they usually consume the whole ten hours to do their work in? A. No, sir.

Q. What proportion do it in less time? A. Oh they all do it in less time; I told you there is about eighteen that have their work done before dinner, then the rest have their work done by one o'clock, and then the iron is poured off.

Q. About what is the average number of hours consumed by the men to do their work? A. About six hours.

Q. That is for the moulding and pouring off? A. Yes, sir, for the moulding and pouring off both.

Q. They average to do their work in six hours? A. From six to seven hours; it isn't the same every day.

By Mr. McDONOUGH :

Q. They are idle during the pouring off? A. No, sir, they are pouring off themselves.

By Mr. CLAPP :

Q. Between the time they get their work done and the time the metal gets hot enough to pour off they have time to rest themselves? A. Yes, sir.

Q. Do they have time to rest usually — most of them? A. Yes, sir, the iron don't commence to melt before two or half past two and they have from twelve till two to rest if they get their work done then — and they have from about quarter to four to rest.

By Mr. McDONOUGH :

Q. About what proportion of the men don't perform their tasks and are short and complain of it? A. There ain't no men on my books that don't do their tasks.

By Mr. CLAPP :

Q. I understood you to say there *was* one man? A. He was reported.

Q. That the only one? A. Yes, sir.

By Mr. McDONOUGH :

Q. What reason did he — Stringer — give for not doing the work? A. He was punished ; put in the dark cell and he didn't want to do his task ; the next day he was giving insolence to me and the instructor by breaking flasks.

Q. You say he has been at work four months? A. A little over four months.

Q. He is now on the maximum stint — that is, he is doing his stint the same as the others? A. Yes, sir, he is doing his full stint.

Q. It is four months before they are put on their full stint, isn't it? A. Two months I think — that is with the option of the keeper ; to put up his task or to save it—it is discretionary with him.

Q. But it is a uniform task ; every man is supposed to do the same amount of work when they get to that point? A. Yes, sir.

By Mr. CLAPP :

Q. An expert don't have to do any more than a bungler? A. No, sir.

Q. What time do the men go on the work and come off during the winter season? A. They go to work about eight o'clock in the winter season and the whistle blows I think it is about four or quarter to four.

Q. You mean by that when the whistle blows you go off the work? A. Yes, sir.

By Mr. McDONOUGH :

Q. How much is the task reduced in the winter? A. It isn't reduced any, it is not increased in the summer.

By Mr. CLAPP :

Q. The amount is they don't have any more time to do their work in the short days than they do in the long days ? A. No, sir, they work till their task is done.

By Mr. McDONOUGH :

Q. How many boys or young men under twenty years of age are employed there under your knowledge or supervision ? A. I don't think I have got only one that is under twenty or twenty-one, I have got one about nineteen years of age.

By Mr. BRUSH :

Q. Tell us how he compares with the others ? A. He is named James Reiley — his task is 20 flasks ; forty pieces in 20 flasks; he puts up 22 flasks where he loses a piece ; those two extras that he has himself.

Q. Is he ahead ? A. He is 41 pieces ahead.

By Mr. McDONOUGH :

Q. Can he remain idle if he is ahead ? A. No — if he don't feel well he can jog along about as he pleases, and no questions asked of him.

Q. He might put up sixteen some day and not be punished ? A. Yes, sir ; he might put up ten.

By Mr. CLAPP :

Q. Have you any knowledge of the punishments inflicted in the prison ? A. Not much lately—I have seen punishments but not lately.

Q. How long ago ? A. A couple of years, I have seen one since that.

Q. Who inflicted it ? A. The principal keeper—Mr. Dixon.

Q. Do you know what the offense was ? A. Yes, sir.

Q. What was it ? A. It happened in my shop — it happened along last summer when the ice was in the shop.

Q. What was the convict's name ? A. John McCarty.

Q. What was his offense ? A. He struck the waiter ; it was the waiter's task to put the ice in the barrel and he had his work piled up in the way so he couldn't put the ice in the barrel ; he asked McCarthy to take it away so he could put the ice in—he would not do it and the waiter reported him to me and I made McCarthy remove it so he could put the ice in, and as soon as my back was tured McCarthy struck him ; the waiter was a thin consumptive — and I got a relief and took him and had him punished.

Q. Did you see him when he was punished ? A. Yes.

Q. How was he punished ? A. Paddled.

Q. How many blows did he receive ? A. I don't think think he got over fifteen.

Q. Did he go to work right after that ? A. Yes, sir.

Q. How did he look after he was paddled ? A. It looked blue.

Q. No blisters ? A. No, sir.

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Q. Any blood drawn? A. No, sir.

Q. What kind of a looking instrument is the paddle? A. It is about thirty inches long.

Q. Any holes in it? A. No, sir.

Q. Any rivets? A. No, sir; the blade is about as long as that (indicating), and the handle is turned around.

Q. How thick is the leather? A. One thickness of sole leather.

Q. Didn't seem to interfere with his work? A. No, sir.

Q. Have you any knowledge of prisoners who are physically disabled for labor being required to work? A. No, sir.

Q. On account of bad health? A. No, sir.

Q. Or feeble state of health? A. No, sir; I think not.

By Mr. McDONOUGH:

Q. Have you seen prisoners kept at work there that you of your own knowledge thought were sick? A. No, sir; here is a man, I don't know whether he is sick or not, the doctor don't understand it exactly, he says he has got the rheumatism but he isn't taken off the contract, he has a ticket every day and he don't do any work at all.

Q. Does the contractor have to pay for that man? A. No, sir.

Q. When did that occur? A. Just now; here is a man that hurt his finger —

Q. Have you heard any of them complain of not being able to see the doctor? A. No, sir; there is no such case there; I think Mr. Brush would make it pretty warm for him; they have that right and the right to see the chaplain.

Q. They do inquire for the chaplain once in a while? A. Yes, sir.

By Mr. CLAPP:

Q. Have you any knowledge of any cruelties or any inhuman treatment of convicts there by ex-keeper Campbell? A. No, sir.

Q. In a general way? A. No, sir.

Q. We might not be able to elicit this by specific questions, but I ask you the general question, have you any knowledge of any cruelty or any inhuman treatment of convicts? A. No, sir.

Q. Is Nelson employed in the foundry? A. I didn't know him, sir.

By Mr. CLAPP:

Q. Do you know a convict by the name of John Daley? A. Yes, sir.

Q. Have you any knowledge of any cruelty inflicted upon him? A. Nothing more than what I heard that they went to take him out of the ranks one night and they struck him; I didn't see him.

Q. You wasn't there? A. No, sir; what he was taken out of the ranks for I have a knowledge of; I reported him myself.

Q. Know any thing about his having possession of a paper that he refused to give up? A. No, sir.

Q. Know any thing about Mr. Hornbeck or Mr. Middleton beating him with canes? A. No, sir, only what I heard.

Q. You didn't see him? A. No, sir; I was with my own company.

Q. Your name is Mackin? A. Yes, sir; I wasn't there or didn't see it.

Q. Then the report in reference to your having assaulted this man Daley or struck him with a club or cane is entirely untrue? A. Yes, sir.

Q. Have you heard that Mr. Middleton or Mr. Hornbeck, or either of them, struck him, or do you know that they did? A. I don't know that they did; the reason he was taken out of the ranks was that he was drunk the day before, and I reported him, and the principal keeper ordered him taken out of the ranks.

Q. Have you any knowledge where he procured this whisky? A. No, sir; I have tried to find out; it was taken in by some citizen who worked there.

Q. That is you supposed so? A. Yes, sir, I supposed so.

Q. Do you remember Mr. Blodgett? A. Yes, sir.

Q. He spoke of several cases of cruelty? A. I don't think Mr. Blodgett ever knew of any cruelty, I don't think he ever saw any paddling, and I don't think he was ever in there nights to hear them moaning in their cells.

By Mr. BRUSH:

Q. Or from the keepers' mess-room could he hear them? A. No, sir; he couldn't.

Q. Did you ever know a convict by the name of John Gray? A. No, sir.

By Mr. O'BRIEN:

Q. Do you know Campbell? A. Yes, sir, I know Campbell; I suppose he is the same man.

Q. What was his reputation as a guard down there, a keeper? A. It was bad, very bad; it was very loose discipline in the shop.

Q. Did he have control of his company? A. He didn't seem to; I have seen him behind the stove talking with convicts, and other convicts with a board up with a pin in it pitching rings for tobacco.

Q. That before their tasks were done? A. I don't know, it was in the daytime; that was when he was in the foundry; after that I have seen him making canes for the prisoners.

Q. How did the majority of the guards look upon him? A. They don't consider him no good, they called him "Windy Campbell."

Q. Have you always had charge of a company in the foundry? A. Yes, sir; with the exception of about the first seven or eight months I didn't understand it; they didn't give me any company till I understood the men and the work.

Q. Do your men complain of their work now? A. No, sir; when a man does complain of his work I go on his floor and look at his work, and if I think he has too much work I order a flask off; I have done that within a week or two. There is a couple of men in that newspaper report that used to work for me; they died in the hospital, one is this Gentleman Joe and the other was a little darkey, I forget his name; if I heard his name I could tell.

Q. State what you know about the case of Gentleman Joe? A. Gentleman Joe was in the polishing shop, I was in the polishing shop for a while and I had Gentleman Joe working for me; some days the

other men would do his task, and some days he wouldn't do it at all; if he wasn't able to do his work it wasn't required of him. He done the writing for me and if he didn't feel like doing his work some of the other men would do it for him, if it was necessary for him to do it that night, if not it wasn't done, I told him if he wanted to get out of that shop I would go to the doctor and have him take him out; he said no as long as he stayed on that contract he wanted to stay there; I went home and when I came back he was in the chaplain's office; there was something the matter with his stomach, bile or something on it.

By Mr. McDONOUGH:

Q. Did any of the contractors, or any person on behalf of the contractors, ever approach you with the suggestion that it would be to your advantage to get more work out of the men? A. No, sir.

Q. Did any one ever do it? A. No, sir.

Q. You have no knowledge of any such offers being made to any one? A. No, sir; I don't think there has any such offers been made to any one while I was there; in the first place if the contractor felt disposed to do any thing of that kind and done it, it wouldn't stand a week before the warden or principal keeper found it out, and that would be the last of that keeper, he durstn't do it; the contractors don't require any thing of the men but a fair day's work.

Mr. McDONOUGH — How will twenty-five flasks compare with what the men do here?

Mr. PERRY — The flasks are about two feet long; take flasks two feet long, if they put up twenty-five there the men will put up fifty here; I would like to testify on that point, exact figures; the variety is immense as to sizes.

WITNESS — Here is one, twenty-two is the task, they are eight inch T centers.

Mr. PERRY — A man here will put up fifty or sixty, I can testify as to weight which is more exact, because flasks differ so much in shape and kinds; one kind will take two or three times as much time as another; but taking the average weight will be the best guide. I shall be glad to testify on that and on some other points.

Mr. McDONOUGH — Not to day.

On motion of Mr. KEYES the committee adjourned until Friday, April 21, instant.

At a meeting of said committee at the Capitol at Albany on the 21st day of April, 1882:

Present — Messrs. O'BRIEN (chairman) and KEYES.

*John Gray*, called as a witness, being duly sworn and examined, testified as follows:

By Mr. KEYES:

Q. Your name is John Gray? A. Yes, sir.

Q. Where do you reside? A. New York city.

Q. What is your business ? A. At present I am not in any ; I am a hardware clerk.

Q. With what firm were you in that business ? A. Pollard & Savin, 20 Barclay street.

Q. When did you go there in their employ ? A. Sixty-seven.

Q. And you were with them three years ? A. Yes ; I left them in '69 ; very near three years.

Q. You were born and brought up in New York city ? A. Born in Virginia ; brought up in New York city.

Q. What has been your occupation from '69 to the present time ? A. Well, I was traveling for a liquor firm a part of the time ; I haven't been doing any thing ; I was with a pool-seller for a while.

Q. You were for a period a prisoner in Sing Sing prison ? A. I was.

Q. Sent for what offense ? A. Larceny.

Q. For how long ? A. Three years and a half.

Q. When did your time expire ? A. I was discharged the 7th of last February.

Q. Were you allowed for short time ? A. Some short time ; yes, sir.

Q. Please look at the letter I hand you, and see if that is yours ?

A. That is mine, yes, sir.

Copy of letter referred to is hereto annexed, marked exhibit "C."

Q. You addressed that to Mr Campbell ? A. I did.

Q. In what shop were you while an inmate of the prison ? A. Shoe-shop.

Q. All the while ? A. Yes, sir.

Q. Under what keeper were you ? A. Under several ; Mr. Mulligan, Mr. Dixon, Mr. Shields and VanAlstyne.

Q. Had you any knowledge of the shoemaking business before you entered the prison ? A. Not a thing.

Q. Were you put upon tasks in the shoe-shop ? A. No, sir ; no I didn't have a task ; I had work that didn't require any task ; I did it as it came along.

Q. What was the nature of the position you had there ? A. Keeping an account of stock and distributing the different times.

Q. Had you any occasion to complain of the work required of you in the shop ? A. Not at all, sir, I sought that position because it was a very good position, it is what they call a sinecure up there.

Q. Were you in good health during the time of your stay in the prison ? A. Hardly, sir.

Q. Were you any part of the time disabled from work ? A. Yes, sir.

Q. Suffering from what disease ? A. I had a complication of diseases ; I had liver trouble and I believe kidney trouble.

Q. Do you attribute your sickness in any degree to the situation you had in the prison, or was your sickness independent of your work there ? A. I believe it was brought on by confinement and the discipline I went through there ; I was healthy when I went there ; that is, comparatively strong.

Q. From what particular circumstance did you suffer and how did you contract disease in the prison ? A. I got the rheumatism very bad ; I couldn't walk, and on several occasions I went to the doctor

and told him my condition and was sent back to work, and by his neglect at last I was prostrated.

Q. Did you tell him what you thought it was? A. Yes, sir, I did, I went to him for four or five months, every doctor's call and outside the doctor's call.

Q. Did he make a careful examination of your complaint? A. No examination whatever; gave me some simple things; told me to rub my back with liniment and sent me back to work at times when I could hardly get back.

Q. For how long were you in such condition? A. For six weeks or two months.

Q. About when was this? A. I think it was in October.

Q. Last October? A. Last October, I think it was.

Q. Did you finally refuse to do the work? A. I did not, no, sir; I never refused to do the work.

Q. Were you excused from work in consequence of your health? A. I wasn't until I was thrown into the dungeon and paddled.

Q. What was the occasion of your being thrown into the dungeon and paddled? A. I had been troubled with the diarrhœa for eight or ten days, I didn't go to the doctor, for I thought it would work off; finally I went to the doctor; I got sick to my stomach and got the vertigo; I went to the doctor and he wouldn't excuse me: that was in the morning and he sent me back to my work, and gave me something for my diarrhœa, and at 11 o'clock I asked to go to the doctor again and they took me to the doctor again and I told him I was suffering from the same thing, and asked him to excuse me, then he said he couldn't excuse me and sent me back to my shop; after this I asked permission to go again, not to see the doctor but to see the principal keeper; in going to the keepers' office I had to pass the hospital and I passed the doctor sitting out in a chair; he said are you back again, I said yes, sir, and I told him I was; he said come in here again and he said you go back to your work, and I said doctor won't you excuse me, he said I know what you want, you want to go in here, pointing to the dungeon; I said I want to see the principal keeper; he said you want to see the principal keeper; I said yes, I want to see the principal keeper; he took me to the principal keeper Mr. Dixon, and I saw him and asked him if he would not be good enough to excuse me; the keeper in the shop was witness to my throwing up; says the keeper, the doctor will not excuse you; he said I will excuse you, and he took me and locked me up in the dungeon; I was very sick then; I fell against the door and I got a cup and beat on the door and nobody paid any attention to me; about ten the relief came, and he got a convict doctor and he gave me something that relieved me; the next morning the principal keeper came to me; he said how are you; I said better; he said are you well? No, sir; do you think you can do your work; I said yes, I think I can, and for that remark he took me out and paddled me; the excuse he gave for paddling me was, I want you to say yes or no when I ask you a question; he said can you go to your shop and do your work; I said I think so, and for that he took me out and gave me forty or fifty strokes and that was his excuse; he was prejudice against me, Mr. Dixon was.

Q. Why do you think that? A. I was under him when he was a keeper in my shop for six weeks.

Q. Who was present when you were paddled ? A. The doctor.

Q. Anybody else ? A. The doctor, Mr. Dixon and the chaplain, the keeper that has to bring the men in, I have forgotten his name, and the hospital keeper ; Westlake, Hornbeck, five or six in there standing in the doorway looking out.

Q. Was the warden present ? A. Yes, sir.

Q. Had you asked to see the warden in connection with this matter ? A. I had.

Q. Was your request complied with ? A. No, sir.

Q. Who did you ask ? A. My keeper Mr. Van Alstyne ; I asked him on several occasions, he said if he come along the gallery Sunday you can speak to him ; Mr. Brush was in the habit of coming in the gallery but it happened I couldn't see him.

Q. You say that you were struck as many as forty or fifty times ? A. Yes, sir.

Q. With the paddle ? A. Yes, sir.

Q. Did you count the number of blows ? A. I didn't count up to that, I counted up to sixteen or seventeen, after that I didn't count any.

Q. Were the blows struck continuously ? A. He would give me four or five strokes and stop and talk with me.

Q. Then what was done ? A. He asked me if I could do my work and I said I never refused to do my work.

Q. After giving you five or six strokes he would stop and talk with you ? A. He said will you go to work ; I said I never refused to go to work ; he said do you feel better now ? And I said yes, I feel better than I did, and then he would hit me two or three more strokes, and say do you feel better now ; he threatened to put me in the polishing shop.

Q. What was the last that he said to you when you were being paddled ? A. Told me to go to my shop and do my work.

Q. Did you understand he objected to the form of your answer ? A. I didn't until the interval when he was paddling me, he gave me that excuse after he had given me four or five strokes, two or three times he said I want you to say yes or no when I ask you a question.

Q. Do you see any witness in this room that witnessed the paddling ? A. Yes, sir.

Q. Who is it ? A. The doctor is one.

Q. Was the doctor near enough to hear all that passed between you and the principal keeper ? A. He was in the doorway.

Q. In what condition was your person after the paddling ? A. It was about as black as his coat.

Q. Your person was exposed ? A. Yes, sir.

Q. Posterior uncovered ? A. Yes, sir.

Q. And your hands were tied ? A. Yes, sir ; fastened up to a hook.

Q. Your feet tied ? A. No, sir ; there was a man on his knees holding me up against the wall ; as I squirmed he would hold me.

Q. Can you describe the instrument with which you were paddled ? A. A strap about so long (indicating), about as wide as my two fingers, and about as thick as that (indicating).

Q. And how thick ? A. About the thickness of sole leather.

Q. One or two thicknesses ? A. I couldn't tell whether one or two thicknesses of sole leather.



Q. Do you know whether that is the paddle used there now? A. I couldn't tell.

Q. How long were you recovering from the effects of the paddling? A. What, before the marks left me?

Q. Yes, and the soreness? A. The soreness left me in three or four days, the marks didn't leave me for a month.

Q. The skin broken? A. No, sir, I don't think it was.

Q. How long a time was occupied in the paddling according to your best judgment? A. I should say ten minutes; it might have been fifteen minutes.

Q. And after being paddled what was done then? A. He took me out to the doctor's office and gave me in charge of the keeper, and told him to take me to the shop, and said to me now you go back and do your work.

Q. And did you go back to the shop and do your work? A. Yes, sir.

Q. Did the sickness continue? A. No, sir; I got over the diarrhoea in two or three days; that was in July when I was paddled, and from the effects of that I am not well yet.

Q. From the effects of the paddling? A. From the effects of the sickness I had then; I continued to work, that was the 30th of July, but I was never unwilling to do my work; I couldn't do my work before that, I did my work with pleasure, because I liked it, eventually I was taken sick with the rheumatism, and I got so I could hardly walk; and I went to Dr. Barber again and again, and he would have my back and limbs rubbed with a little liniment, and sent me back to my shop, and that continued five or six weeks, and once he sent me back and I was so I couldn't bend over, and I went to the keeper and he couldn't do any thing, and he took me to the foreman and he took me over to the doctor, and he excused me and put me in the cell; and I was carried in the hospital three days, and one day I was taken with a fit while sitting in a chair in the hospital, and I thought I was going to die; I fell off the chair and asked to see the doctor, the doctor's steward there wouldn't let me see the doctor, said there was no use seeing the doctor, I can do for you; the disturbance brought Dr. Barber, and when he saw me he said take him up in the hospital, and they kept me in the hospital fourteen days, the doctor would hardly ever come to see me; he would say how are you Gray, and I would say quite feeble.

Q. Are you still suffering with the rheumatism? A. I still suffer with the rheumatism — in about three or four days Mr. Barber said if you don't get out of bed I will put you in the shop; after that they gave me little light work, posting.

Q. In this letter you speak of being a cripple, is that a fact? A. That was the fact at the time I wrote that letter.

Q. In what respect were you a cripple? A. I can show you my leg, one leg is much larger than the other.

Q. To what do you attribute the shrunken condition of the leg? A. Well, rheumatism; if I had been treated as I ought to have been that leg would probably be right.

Q. Are you able to walk without limping? A. Yes, I am able to walk without limping.



Q. Is the leg as strong as the other ? A. No, sir, it is not; nothing like it.

Q. Were you ever paddled on any other occasion ? A. No, sir.

Q. Was you punished in any other way ? A. I was punished once before.

Q. In what way ? A. I was put in a dungeon over night for standing in the doorway — I was standing in the doorway and the keeper came along and saw me and reported me and I was put in the dark cell over night.

Q. Simply in the dark cell over night ? A. Simply in the dark cell over night.

Q. Without any thing to eat or drink ? A. Without any thing to eat or drink — yes there was water there — plenty of water.

Q. Have you any other statement to make as to the cruelty you suffered during your confinement in prison ? A. Nothing more, sir.

Q. With this exception you were always treated with proper care ? A. I never had occasion to call on them before.

Q. Have you personal knowledge of any other cases of cruel treatment occurring while you were in the prison ? A. I had no personal knowledge any more than that I had seen other men paddled, saw the condition they were in when they came back.

Q. Can you name particular cases, can you think of any one particular person that was punished and whose person you saw after he was punished ? A. I can't recall their names now.

Q. Perhaps you can recall the circumstances ? A. I can't recall their names, I saw several parties that had been paddled and were in a very bad condition.

Q. Was their person in a condition similar to yours after they were paddled ? A. Yes, sir, can't think of their names now — there was a young fellow there — I can't remember his name.

Mr. KEYES — Mr. Chairman is it desirable to go over the general ground of inquiry with this prisoner, or shall we rest with his own experience.

Mr. O'BRIEN — Use your own judgment.

Mr. KEYES — It strikes me we have got to limit this inquiry this afternoon. It strikes me we ought to limit the inquiry to his own personal experience.

By Mr. KEYES :

Q. Have you any complaint to make as to the food ? A. No, sir.

Q. Or to the accommodations of the cells ? A. The accommodations of the cells were bad on account of the doubling up.

Q. Were you doubled up ? A. I was until I asked to be singled out.

Q. Was the air bad ? A. The air was very bad over Saturdays and Sundays.

Q. Were you doubled up in the first instance at your own request ? A. No, sir.

Q. Do you know what the general feeling of the prisoners is as to being doubled up ? A. Some like it and some do not.

Q. Have you any knowledge as to the effects on the prisoners, whether good or bad ? A. The effect is bad undoubtedly when they

are locked up in such a small place as that over Saturday and Sunday, especially in winter.

Q. Have you any knowledge as to the practices that are carried on by prisoners who are doubled up — immoral practices? A. Nothing only what I have heard.

Q. Have you any personal knowledge? A. No, sir.

Mr. KEYES — Mr. Brush would you like to ask any question?

Mr. BRUSH — No, sir; there is only one question, whether this fit that he had was connected in any way with his punishment.

By Mr. KEYES :

Q. This fit that you had in the hospital was that connected with the punishment you received in any way? A. No, sir; it was three months afterward — I only mean to say by the neglect and inattention of the residing physician there, Mr. Barber, was the cause of my sickness.

Q. Were you suffering from malarial difficulties and fever there? A. No, sir; if Mr. Barber had treated me in the first place I wouldn't have been punished, I lay it all to Mr. Barber's neglect — he knew I was sick and every one in the place knew I was sick, because I wasn't a man to complain, but they wanted to get the work out of me — they wanted to get their fifty cents a day.

*Dominick J. Killoran*, called as a witness, sworn and examined, testified as follows:

By Mr. KEYES :

Q. Your name is Dominick J. Killoran, is it? A. It is.

Q. Where do you reside? A. 325 East 12th street, New York city.

Q. How long have you resided there? A. About two months.

Q. What is your business? A. At present I have an annuity upon which to live — my present business?

Q. Your present business? A. Well, I am collecting old debts.

Q. Were you born and brought up in New York city? A. Yes, sir.

Q. What is your age? A. Twenty-six years of age.

Q. Were you formerly an inmate of Sing Sing prison? A. I was.

Q. What was your occupation prior to that? A. Well, I was a property holder in New York city.

Q. And what was your business? A. I had no business except what was connected with that.

Q. Taking charge of that? A. Yes, sir.

Q. Taking charge of real estate? A. Taking charge of real estate and personal property — I kept a hotel.

Q. For what offense were you convicted? A. Grand larceny.

Q. And sentenced for how long? A. For two years and a half; I served two terms.

Q. When did your first term of imprisonment expire? A. In the month of September, 1878, I think.

Q. And when did your second term expire? A. On the 8th of last November.

Q. Were you allowed commutation time in both cases? A. I lost one day in the second sentence.

Q. Will you look at this letter (handing witness a letter, a copy of which is hereto annexed marked "Exhibit E."); do you know the handwriting? A. I cannot state positively that I do.

Q. You have an impression as to — A. I have no impression — I think, if I was to give myself the benefit of the doubt I would say I do not know the handwriting; I have not the slightest suspicion as to by whom the letter was written.

Q. In what shop were you placed while in Sing Sing? A. In the last sentence or the first?

Q. The first? A. I was in the quarry.

Q. And were you in the quarry during all that term? A. I was not; while I was in the quarry I was supposed to be in the ring.

Q. Commencing with the first sentence tell what your occupation was, during your first term? A. When I went to Sing Sing prison under the first sentence I was placed in the Devoe quarry.

Q. How long were you there? A. About six months.

Q. What then did you do? A. I was then drafted to Auburn.

Q. And put at what kind of work? A. Made a messenger for the front office.

Q. How long were you in that position? A. Possibly six or seven months.

Q. And then? A. I was put in the State shop.

Q. Doing what? A. Doing nothing.

Q. No kind of work required of you in the State shop? A. None whatever.

Q. How long did that condition of things exist? A. For about thirteen months.

Q. Do you know for what reason you were left entirely unemployed? A. I suppose because they had no employment at which to put me.

Q. Were you taken out of your cell every day? A. Yes, sir; and mingled with the prisoners in State shop.

Q. And after that period expired what happened to you? A. After several applications I was transferred to Sing Sing.

Q. Do you remember what month that was? A. In the middle or latter part of September.

Q. At what work were you put at in Sing Sing then? A. I was made waiter in the laundry.

Q. And remained there until you were discharged? A. Four or five days.

Q. And placed at what then? A. Placed at a table and made to iron shirts.

Q. Did you perform that work? A. To the extent of my ability.

Q. Were regular tasks put upon you there? A. Yes, sir.

Q. What was the amount of your task? A. Eighteen shirts per day.

Q. At the outset? A. No, sir, in the beginning I was given three shirts to do.

Q. How long before you were given eighteen shirts per day? A. About between two weeks and three.

Q. Was eighteen shirts a day the highest task imposed upon you? A. While I was there, yes.

Q. Do you know what the maximum number was? A. At that time, I believe, eighteen was the task imposed upon each and every individual.

Q. Do you know what it is now ? A. I believe it is twenty-six.

Q. What did you do after you left the laundry ? A. I remained in the laundry until the expiration of my sentence.

Q. How long were you out before being recommitted ? A. Possibly three years.

Q. During your second term in prison what was your employment ? A. I was placed when I first went to State's prison in the office of Perry & Company.

Q. At what kind of work ? A. Keeping the books or assisting to keep them.

Q. Did you keep that position during all your term ? A. I did not, sir.

Q. For how long did you keep that position ? A. One week.

Q. Did you find the position onerous ? A. Not at all, but as inasmuch as I was not a copyplate writer, I was put in the plating shop in the tin department where they make one part of what is known as oil stoves.

Q. Had you any knowledge of that kind of work before ? A. Not the slightest.

Q. How long did you remain at that work ? A. For three or four months.

Q. Was any task assigned to you there ? A. No, sir ; I worked from bell to bell — that is, from the time of going out to the time of going in.

Q. After that where did you go ? A. After having remained in that shop four months I was sent to a shop known as the carpenter shop, where possibly all the boxes are made in which the stoves are shipped — I remained there I suppose about six weeks — between six weeks and two months and owing to the fact that I was thought not sufficiently strong and robust they sent me to the mounting shop. When I was taken to the mounting shop I was placed at a bench where a pattern was laid before me and I was told to go in and make a stove like the pattern — I was placed under an instructor and told to go on and make that stove ; I remained there about ten days, then I was placed at a bench scratching iron until the remainder of my sentence.

Q. Had you a task assigned you then ? A. I worked from bell to bell ; I had what is called a semi-task ; after I got work enough done to keep the men at work that was the end of my task.

Q. Have you any knowledge to enable you to tell how the work required of you there compares with the work required outside ? A. I have reason to believe I did fifty per cent more work than a man doing the same kind outside does — that is the result of my inquiries in respect to the matter.

Q. Were you ever short in your work ? A. Sometimes I got it done ; sometimes there would be a rush and the work would pile up and I couldn't get it done. The contractors wanted to get as much work done as possible ; it was a fact well known that Perry & Company didn't care if they killed every man in the shop if they got the work done.

Q. Were you ever punished while you were in the prison ? A. During the second term ?

Q. In either term ? A. In the first term I was punished a number of times.

Q. In what way ? A. I was paddled once.

Q. Do you remember in what year ? A. In the latter part of '77 or '78.

Q. By whom ? A. I couldn't be certain about the time because everything was in confusion.

Q. By whom were you paddled ? A. By a man named McCormack

Q. For what offense ? A. For short work in the laundry.

Q. Was that the fact you were short in your work ? A. It was.

Q. What was the reason of it ? A. Because it was impossible for me to do the task.

Q. Was the task greater than that imposed on the others ? A. No, sir ; I was never able to iron more than ten or twelve shirts, for the reason that when I had succeeded and done my work the instructor would take the shirts out one by one and see a speck on them, and throw them on the floor and tell me they were wash overs.

Q. On this occasion of being short in your work were you paddled ? A. Yes, sir ; that was during the first sentence.

Q. Was that the reason alleged ? A. That was the charge made against me ; being short in my work, in consequence of which I was paddled.

Q. Who witnessed the paddling ? A. The principal keeper.

Q. Bowes ? A. No, sir, Biglin.

Q. He was at that time principal keeper ? A. Yes, sir.

Q. The doctor present ? A. I don't remember whether the doctor was present or not ; my paddling was the result of a personal difference between myself and the then warden.

Q. What facts have you to state going to show that your paddling was the result of a personal difference between you and the warden ?

A. I don't like to state the facts as they were the result of a personal matter between the warden and myself ; I had a difference with the warden and I inferred that he was the leading spirit in my punishment

Q. Do you know that the warden assigned as a reason for paddling you that it was because a difference existed between you and him ? A. I have only an opinion on the matter, the real reason given me was that I was short in my work.

Q. And all the rest is an inference ? A. An inference only.

Q. How many blows were inflicted in the paddling ? A. I believe not more than twelve, and I think not less than seven.

Q. Were they inflicted continuously without intermission ? A. No, there was possibly a minute between each blow.

Q. How many at a time ? A. Only one at a time.

Q. And between each stroke did the keeper talk to you ? A. There was a dialogue carried on between the keeper and myself — Mr. Biglin — who did all the taking, he would say how do you like that medicine, to which I made no answer.

Q. Did you cry out in pain from the strokes ? A. I did ; before he paddled me we had some conversation, I begged him not to paddle me, I never had been paddled ; I knew that it was painful, and I begged him by all that he held dear in this life and the next, that if he wouldn't spare me the pain he would the humiliation, as I was a man like himself I didn't like the idea of having my pantaloons taken down and being paddled like a dog, he said he wanted to run this institution so as to make money ; that was the substance of what was said.

Q. This was preliminary to the paddling? A. Yes, sir; I said to him, Mr Biglin I never said I wouldn't do any thing, but I begged him to put me at any work that was possible for me to do, but not to place me at ironing shirts; I think the main reason that prevented me from doing my task in the laundry was when I went in there I looked about me and saw from ninety to one hundred and twenty-five men garbed in the dress of a laundry woman, and I was so impressed by the degradation that I couldn't do my work.

Q. At that time was the laundry contract work or State work? A. At that time it was done by the State.

Q. And the maximum task at that time was eighteen shirts a day? A. I think that was the maximum.

Q. Was your person injured by the paddle? A. So much so that I feel the effects of the paddling to-day, while I lie in my bed at night.

Q. In what way do you think it has injured you? A. It shatters to a certain extent the entire nervous system; they put my two feet in a stock and made me bend over a bar and every time he struck me a blow it would jar me so, it shocked my entire nervous system so much so that I feel the effects of it to-day.

Q. Did you resume your work in the laundry after the paddling? A. I did.

Q. Were you able to do any more work after the paddling than you were before? A. I was.

Q. You did accomplish the entire task after that? A. Never.

Q. You put forth greater efforts after that? A. Yes, sir.

Q. How many shirts were you able to iron — the highest number? A. I may have successfully ironed as much as ten shirts without having a wash over — they require them so perfect.

Q. How many did you ever succeed in doing in one day? A. I am positive that I never exceeded fourteen; that was four less than the number required.

Q. Was any suggestion made to you of punishment for not doing the task after that? A. About that time certain influences were brought to bear in the matter so I was not pushed so hard.

Q. Influences of what kind? A. Influences of a private nature — outside influences, what might have been considered political influences.

Q. Do you know what parties were interested for you? A. No, sir.

Q. Were you ever informed who they were? A. No, sir.

Q. Were you ever informed of the fact that any influence had been brought to bear in your behalf by reason of which less work would be required of you? A. I was led to believe something of the sort; "someone" has been in the front office and spoken about what you were and you will not be hunted to death any more."

Q. Do you remember who it was that made that remark to you? A. I couldn't tell their names; I know the individuals, but I couldn't tell you their names.

Q. Prisoners or keepers? A. I think — I have an idea, I was told it by one or two keepers who had the right to go in the front office occasionally and they overheard something that led them to believe every thing was fixed.

Q. Were you able to keep up your task after that? A. No, sir; I was short when my term expired and the men made up the short work for me — seventy-two shirts — then it leaked out; I didn't myself make



up the short work and Mr. Biglin told me I would have to make up my short work myself.

Q. Were you paddled more than once? A. Only once.

Q. During your second term in Sing Sing were you punished? A. I was.

Q. In what way? A. Put in the dungeon from Saturday night about five or six o'clock until Monday about half-past seven or half-past eight in the morning.

Q. Is the cell you call a dark cell, really a dark cell? A. It is covered by that kind of darkness you would call twilight outside.

Q. Any beds in it? A. No, sir; only the bare floor.

Q. Any bucket? A. No; there is some kind of a closet upon which to sit.

Q. You would call it a water-closet? A. Yes, sir.

Q. There was plenty of water then? A. Yes, sir.

Q. Drawn by a faucet? A. Yes, sir.

Q. Did you receive any food? A. Yes, sir; a very little bread.

Q. That was the extent of your punishment? A. Yes, sir.

Q. And your work during your second term was what? A. Different kinds of work.

Q. Had you any complaint to make of the kind or amount of work required of you during your second term? A. Well of the amount—they sometime put more upon me than I was able to do.

Q. Was your health good while you were imprisoned the second time? A. I don't know that it was materially impaired.

Q. You consider yourself sound in body now? A. Yes, sir.

Q. Were there men in there of less physical strength than yourself who succeeded in doing their tasks? A. What tasks do you refer to?

Q. The same as yours? A. I never had a task while I was in prison except while I was on the contract of Perry & Co.

Q. Have you any complaint to make personally in regard to the prison? A. I have.

Q. What? A. I have here three hundred and twenty pages of closely written matter written by me in the prison showing that men are being butchered to death because they couldn't do the tasks assigned them; where a man may have been sent from New York, for instance, who has never done any thing but manual labor, who has handled a pick and whose fingers are all thumbs, so to speak, and he is put in the laundry, and the reverse, where a man has done sedentary work only, he is placed in the foundry; boys all the way from seventeen to eighteen years of age are put at tasks beyond their strength; that is one complaint, that there is no discrimination used as to the manner in which they place men at their occupations; another complaint is that men are dying weekly and daily out of mere lack of medical attendance—and men have come there, to all appearances, who were unable to stand on their feet; I have heard the doctor say to a man of that kind "you are trying to play off sick, if you don't go to work you will have to go and see the doctor once more;" I have heard the doctor make those remarks to some of them—that if a man didn't do his work he would be paddled—he was given to understand that; I have a complaint to make against the man known as warden Brush, the *gentleman* named warden Brush, excuse me Mr. Brush (turning to Mr.



Brush who was present), I have heard and I believe — do you want this kind of testimony (to Mr. Keyes) ?

Mr. KEYES — We can't use that kind of testimony, but we want facts lying within your own knowledge ; we can't use that kind of testimony ; we would like to give you the largest scope possible, but we shall be obliged to confine you to facts that lie within your own knowledge ? A. Perhaps as to men whose posteriors I have seen while Mr. Brush has been warden —

Q. Have you any particular case you can cite ? A. Yes, sir.

Q. Give the names of the prisoners ? A. I cannot give the names of the prisoners.

Q. Can you give the times and circumstances ? A. No, sir ; I cannot give dates, but I can give the circumstances.

Q. Give us an instance and locate the time as near as you can ? A. I think somewhere in the neighborhood of the month of May or June, I saw a negro boy not more than twenty years of age who was so severely paddled that he was not able to sit down for four days after the paddling had been inflicted and his posterior was so that a man not color blind would be puzzled to know what color it was, it was literally black and green, looked as though it had been dyed.

Q. Have you any knowledge of the occasion of his being paddled ? A. Why he was paddled ?

Q. Yes ? A. He himself told me.

Q. You don't know how many blows were inflicted upon him ? A. No, I do not ; he told me he thought he got over forty blows.

Q. Do you know of any other cases ? A. Yes, I know of other cases, three other cases.

Q. Please state the circumstances of those cases ? A. Three cases — the paddling of which was caused by the fact that these men said they wouldn't work while a man named Travis was retained as a keeper in their shop, as they seemed to have an aversion to that man, I believe they said they wouldn't work until that man was transferred and another man put in his place, one of those men told me — I know myself from lying in the dark cell that it is possible that a man who is in the jail is able to count the number of blows that are being inflicted upon a man who is being paddled, one of those men said he had counted — when others were being paddled that he had reason to believe that the man received thirty or forty blows.

By Mr. O'BRIEN :

Q. What about the other two cases ? A. The other two cases were also severely paddled.

By Mr. KEYES :

Q. Did you see their posteriors ? A. I looked at them.

Q. Can you describe their condition ? A. It would be impossible to describe it, they were all the colors of the rainbow.

Q. Do you know of any prisoner who was permanently disabled by being paddled ? A. No, sir ; I have heard of prisoners being disabled.

Q. In what particulars ? A. In the neighborhood of the spine of

the back, in consequence of the blow not being properly aimed, Mr. Dixon might strike a man on the back and not on the backside.

Q. Did you object to going in the laundry when you was placed there? A. Not when I was first placed there, because I thought it would be of no use.

Q. Did you tell the keeper then that you didn't want to be placed at woman's work? A. I don't think I did.

Q. You had such a feeling? A. Yes, sir.

Q. But you didn't say so? A. I don't think I did, if I did, I didn't say it in an insolent manner.

Q. Did you ever refuse to do work in the laundry? A. No, sir; that is, I never refused to do it, I might have said, I *cannot* do it, they may have construed that language into a refusal.

Q. Was your first sentence a sentence in Sing Sing prison or in a penitentiary? A. In State prison.

Q. And what did you say the first conviction was for? A. Grand larceny.

Q. From the person? A. I believe the commitment was for grand larceny, and the offense was larceny from the person, I believe they call it so in law.

Q. What was it, a pocket-book or a wallet? A. A wallet.

Q. Were you personally a witness to any case of cruelty or violence toward prisoners on the part of officers of the prison while you were an inmate of the prison? A. During the first or second term?

Q. Either term? A. Yes, during the first term I saw men being very severely clubbed on the head by keepers.

Q. Do you know what the occasion of it was? A. They didn't want to be paddled, they were being brought in to be paddled.

Q. All at the same time? A. No, one man at a time between three or four keepers.

Q. They were dragging him? A. Yes, sir.

Q. And clubbing him? A. Yes, sir, they don't call it clubbing him.

Q. What was the club? A. What I or any individual would call a club; it would fell an ox.

Q. Why were they clubbing him? A. I have no idea why they did club him only I saw the clubbing done.

Q. Had you any complaint to make of the food in the prison? A. Yes.

Q. Not of sufficient quantity or quality? A. Plenty of it.

Q. Plenty of it? And as to the quality? A. Very poor; I am possibly an inordinate lover of meat but I couldn't possibly eat a piece of meat in Sing Sing except three or four kinds of meat when I could get what I thought was a comparatively good piece.

Q. Was that a subject of complaint among the prisoners? A. Frequently when they dared give vent to it.

Q. Were you required to do work on Sunday? A. I was not.

Q. Were you allowed visits to the chaplain? A. Sometimes.

Q. When you desired it? A. Sometimes, not always, not invariably; I asked to see him and was not allowed to see him.

Q. What excuse was offered? A. Well the keeper didn't want to be put to the trouble of writing out the pass and the chaplain himself didn't want to see me.

Q. Have you any other complaint to make? A. Nothing except that slight men are obliged to do hard work and strong, robust men are doing nothing.

Q. Can you give us any case going to establish that fact? A. A prominent case is that of Joe Coburn.

Q. You think he is treated with special favor, do you? A. Most decidedly; I know of no reason when a contract requires strong men why a man should be taken off the hard work and put in an easy position.

Q. Do you know what the reasons are why Joe Coburn is kept where he is? A. I assign it two different reasons.

Q. I don't ask you that, I ask you did you know why he is kept there? A. I have no certain knowledge.

Q. You don't know what governs the officers of the prison in keeping him there? A. No one can know that.

Q. You think the position which he occupies is a more desirable one than that occupied by a good many other prisoners? A. Decidedly.

Q. Is it a position that must be occupied by some prisoner? A. Not necessarily.

Q. It may be occupied by a citizen, you mean to say? A. Yes.

Q. Do you know what the custom has been as to employing a citizen in that position; has it ever been customary to employ a citizen in that position? A. I don't know that it has been.

Q. Is the position one of any special responsibility, requiring judgment and care? A. Not that I can see.

Q. Do you know what his duties are? A. I believe general superintendence of the work of the other men, that is, very slight superintendence; he sees that the tables are all right, that the tables are supplied with salt, etc.; I have seen him late at night carrying a pail of bread crust coffee — *bread* crust coffee in each hand.

Q. I understand you to say on account of his strength and size he ought to be engaged at more laborious work than that at which he is at present occupied? A. I think so; yes, sir.

Q. And is it true so far as your observation goes that men who are large and heavy are better able to do laborious work than men of more moderate proportions? A. Such work as foundry work, I should say yes, on account of the heavy articles to be lifted.

Q. Do you know how it is in outside shops, whether the men in the prison are performing a greater amount of work than is performed in similar shops outside the prison? A. I have been led to believe that they do; I don't know of my own knowledge.

Q. Do you know of any instance where prisoners who were sick and feeble were treated with severity and required to perform tasks beyond their strength? A. A great number of instances.

Q. Can you state one? A. Not one in particular; I know so many it would be impossible for me to particularize any one.

Q. Do you remember any particular shop? A. All over; I have seen the men in the hospital.

Q. Do you know what the previous habits of these men were before they entered the prison? A. In a number of cases they were hard-working men.

Mr. KEYES — Any questions, Mr. Chairman?

Mr. O'BRIEN — No, sir, I have not.

Mr. KEYES — Mr. Brush, would you like to ask him any questions.

Mr. BRUSH — No, I don't think that I have.

By Mr. O'BRIEN :

Q. Any thing more you would like to say ? A. On the conduct of Mr. Brush in particular ; I think Mr. Brush has not performed the duties of his office in redressing the wrongs of the prisoners ; I don't think he has done it.

Q. You think he has done it ? A. That he has not done it to the extent he ought.

Q. Did you ever ask him to redress any wrongs ? A. I wrote him a letter.

Q. In regard to wrongs ? A. Not in regard to wrongs.

Q. Do you know of any case where a prisoner has had a just ground of complaint and has gone to Mr. Brush to obtain redress and been refused ? A. I have been told by a great many individuals, by as many as fifteen or twenty, that they have written letters and asked their keepers to see him and never got a reply to their requests.

Q. That you knew nothing about yourself ? A. No, sir ; only what they told me.

Q. Can you recall any names of prisoners who have told you that ? A. No, sir.

Q. Do you know the prisoners by their names or numbers ? A. In the shop where I was I learned the names of a good many men from writing letters for them.

Q. Were you ever sick in the prison ? A. I was excused on one occasion during those two years.

Q. Did you require the doctor's attention ? A. Yes, sir.

Q. Did you see him ? A. I went to the hospital.

Q. Were you treated by him ? A. I was.

Q. Dr. Barber ? A. Yes, sir.

Q. Were you satisfied with the treatment ? A. I was.

Q. You received medicine ? A. I had a swollen finger, I believed it to be a felon and for this supposed felon he gave me something and rather than go back to him I went to work.

Q. You were discharged February last, I believe ? A. Yes, sir.

Q. Did you receive any assistance from the State at the time you were discharged in the way of money or clothing ? A. At the time — from whom do you mean ?

Q. From the State ? A. I received the ordinary sum given to prisoners, between four or five dollars.

Q. Did you ask the State agent for money when you left ? A. I did.

Q. How much did you ask him for ? A. I think I asked him to give me thirty dollars.

Q. What did he say ? A. He said he would see about it.

Q. Did he communicate with you afterward about it ? A. No, sir.

Q. Did you tell him he would be a thousand dollars sorry if he didn't give it to you ? A. No, sir.

Q. Any remark of that kind pass between you ? A. None whatever ; I said it would be a thousand dollars benefit to me, if I had it, that I could go into business and make a thousand dollars if I had it.

Q. That was the only remark made about a thousand dollars? A. Yes, sir; not about a thousand dollars particularly, *thousands* of dollars — I told him what the business was.

Q. What was the business? A. Clothing business.

Q. Have you entered into the business since you left the prison? A. I have not — I have made money since I left the prison.

Q. You were subpoenaed to attend here to-day, were you? A. I was, sir; I received two subpoenas, one was somewhat more emphatic than the other, that if I didn't attend an order would be made out for my arrest for contempt.

Q. Were you reluctant about coming here as a witness? A. No; I was engaged in collecting money in New York and my time was valuable.

Q. Did you desire the marshal or sergeant-at-arms to pay you any thing more than the regular fees for attendance? A. No, sir.

Q. Did you say to him you would come for fifty dollars? A. Did I say to him I would come for fifty dollars, no, sir.

By Mr. O'BRIEN:

Q. You say you wrote a letter to Mr. Brush and received no reply? A. I wrote him a postal card; I wrote to Mr. Dixon not to the marshal at all; I said that on account of financial embarrassment I found myself unable to attend; no mention was made of any price.

By Mr. KEYES:

Q. Do you know of a prisoner by the name of Cannavagh? A. I don't know any one in the world by that name; I might know the man but not by that name.

Q. Do you know Mr. E. R. Campbell in New York? A. I do.

Q. Did you know him while in Sing Sing? A. I had seen him.

Q. Did you have any communication with him while you were in Sing Sing prison? A. I did not.

Q. Do you know any thing of the authorship of the articles in the *Herald*, published in February last, I believe? A. As to what?

Q. In relation to the abuses in Sing Sing prison? A. The headings of which are what?

Q. One article signed by Mr. Campbell entitled "Convicts under contract" — "An ex-keeper of Sing Sing makes some terrible disclosures?" A. I think I read the article.

Q. This is prior to your discharge, is it? A. If it is prior to my discharge I don't know any thing about it.

Q. This is February 23 and you were discharged on the 8th? A. I think I read that article but am not positive.

Q. Have you any knowledge of the particular cases of cruel treatment referred to in that article? A. Yes, I have, if this article refers to a man named Brandon, I know that particular case.

Q. Confine yourself as to what you *know* about Brandon? A. I know nothing about it except what I have heard.

Q. I will call their names in here and if there is any one of them of which you know any thing of your own knowledge, if you know any thing of the treatment they received we will give you an opportunity to state the facts. A. Very well, sir, thank you.

Q. Polcato — know any thing of that case ? A. No, sir.

Q. George Wood ? A. No, sir,

Q. Frank Cunningham ? A. No, sir,

Q. William W. Miller ? A. No, sir.

Q. George Henry, colored ? A. Colored ?

Q. Yes. A. Does it state of what he did ?

Q. Employed on the shoe contract. A. I do not.

Q. Cornelius Lynch, William C. Brandon, James Mackinson (colored) sentenced January 18, 1878, for ten years on Perry & Co.'s contract ? A. I do not.

Q. Charles Smith (colored), sentenced December 22, 1879, for two years ? A. Of what did he die ?

Q. Died of consumption, doesn't state when he died. A. What shop was he working in ?

Q. Articles doesn't state ? A. Then I do not.

Q. George Gaskin, sentenced November 9, 1880, for two years and six months ? A. State where he worked.

Q. Yes, in the foundry. A. How long was he in the hospital before he died ?

Q. Thirteen days in the hospital. A. Not positively.

Q. Edward Young (colored), on Perry & Co.'s contract ? A. How long was he in the hospital ?

Q. Sent to the hospital April 29, 1880; and died May 16, 1880. A. I do not.

Q. Robert West, sentenced May 26, 1880, for three years and six months, put in the foundry ? A. I do not.

Q. William Thompson, sentenced December 7, 1871, for twenty years ? A. I know something of Thompson.

Q. State the facts within your own knowledge as to Thompson. A. I saw that man work for eight or nine months very hard ; he was a small man — small in stature ; he worked faithfully and steadily all day long in close proximity to the window at which I worked ; I believe his death was caused so far as I know from want of medical attendance. Of course there is no means of my knowing how he was treated in the hospital. I believe he could have been saved.

Q. Do you know any thing of the case of John Fox, sentenced October 3, 1871, for two years, though suffering from consumption was repeatedly punished ? A. I do not.

Q. I don't know as we have any further questions to ask. If there is any further we will be glad to hear it. A. No, sir. I am going to deliver a lecture on Monday evening and if any of you gentlemen would like to hear it, and I am going to take a retrospective view of this whole matter. Then I will make known the whole thing in detail.

Q. Do I understand that there are many other matters of fact lying within your own knowledge that you would like to state to the committee ? A. I have no more facts that I would like to state.

Q. The information you intend to give in your lecture is based upon what you have heard from others ? A. From my own experience and what I have heard from others whose credibility I believe is beyond question.

Q. Is there any thing within your own knowledge — knowledge of facts legitimate to this inquiry that you can state ? A. I should say



no, because it is impossible for any one to know except the prisoners themselves who are paddled how they are paddled.

Q. We have called you for the purpose of getting direct testimony?  
A. I have given all I can give.

Q. There is no further direct testimony lying within your knowledge that you wish to give? A. No, sir; there is not.

Mr. KEYES — I would like to state to this and other witnesses that we would like to give you all an opportunity to state facts lying within your own knowledge pertinent to this inquiry?

*John F. McMahon*, called as a witness, being duly sworn, testified as follows:

By Mr. KEYES:

Mr. BRUSH — Let me state, that Mr. McMahon worked in the shoe-shop and Harris was under him.

Dominick Killoran asks if any thing more is required of him.

The committee states not, unless there is some further statement he would like to make, and also say the same as to Mr. Gray — whereupon Killoran and Gray withdraw.

Q. Your name? A. J. F. McMahon.

Q. John? A. Yes, sir.

Q. Where do you reside? A. Sing Sing.

Q. What is your occupation? A. Keeper in Sing Sing prison.

Q. How long have you been so occupied? A. A little over six years.

Q. What positions have you held during that time — what particular part of the work have you been assigned to? A. I was first keeper in the ———, then in the laundry, then in the shoe-shop.

Q. In your position have you had occasion to observe the work of the convicts, the amount of work required of them and the manner in which they have performed their work? A. Yes, sir.

Q. Have you any means of showing how the work performed by the prisoners compares with the work in amount of men in outside shops? A. No, sir; I have never seen any work in outside shops.

Q. Have you had occasion to form any opinion whether prisoners were overtasked beyond their strength in the prison? A. No, sir; only what I have heard from the instructors and foremen who have worked outside.

Q. A given task is given to each prisoner? A. To most of them.

Q. And the task is the same required from all? A. Yes, sir; they all have a regular task after they get so they are able to do it.

Q. In your judgment is proper discrimination exercised in placing the men at the particular kinds of work to which they are assigned? A. In any shop I have ever been it has always been so.

Q. Regard is had to the physical condition and capacity of the prisoner? A. In every shop where I have been.

Q. In a shop where all the tasks are alike does it not sometimes happen that some of the prisoners are often unequal to that amount of task? A. They don't usually put them at that kind of a task; they can find out when a prisoner comes in whether he is strong and healthy and they give him the kind of work he is able to do.



Q. Is it customary for the prisoners to apply to being transferred from one kind of work to another? A. Oh! they very often ask to see the foreman about their work — about being changed.

Q. And are such requests considered? A. I always let the foreman know that they want to see him.

Q. And does he generally examine their requests for an interview? A. Yes, sir; most always.

Q. When a prisoner is found to be habitually short in his work, what is the course of discipline pursued in such a case? A. Well, if a man is short in his work they usually report him to the keeper, the instructor, then the keeper comes to him and talks to him about it, and then tries to get him to do his work, if he does not do his work then, why then he is reported to the principal keeper, then the principal keeper takes charge of him.

Q. Do you know of any case where a convict has been punished for failing to accomplish his task after he has had such a request? A. Yes, sir.

Q. Had you particular knowledge of the peculiarities of his making such request? A. The last case I have had of that kind I think is this Harris.

Q. State the facts of this case? A. When he first came to the prison he was in another shop, he was brought to me and put in my shop; the instructor brought him in and he was sat down to the bench, and he told the instructor that he could not do that work and the instructor came to me about it and I went to him and asked him what was the matter; he said he could not do that work; I asked him if he had ever done it; he said no; I asked him if he could not learn; he said no; I asked him how he knew; he said he could not learn; I sent word to the principal keeper, and the principal keeper sent for him and took him to his office and he came back pretty soon and went to work; he worked for perhaps a week or two, he wasn't doing much of any thing; he didn't seem to do any better, but at first when he came back from the principal keeper's office the instructor sat down and showed him; I watched him and I saw he did not care whether he worked much or not; while the instructor was showing him he was looking around the shop, and I made up my mind he did not care much about it, so they allowed him to go for a couple of weeks and they reported him to me and I went and talked with him; finally I left him and a day or two afterward they reported him to me that he wasn't doing any more, then I went to the principal keeper and told him about it and the principal keeper ordered him left in his cell until the next morning; I done so and he did not do any thing to him and he sent him back; he did not do any better; finally Mr. Watson came to me one morning and said that man is not doing any work, in fact he is not doing as much work as he was before, unless he does more we will refuse to pay for him; he was reported to Mr. Dickinson and the next morning he was punished.

Q. Did you witness the punishment? A. No, sir.

Q. Do you know how he was punished? A. He was paddled; since that he has done the work.

Q. Do you know whether he has done his task since? A. I suppose so as long as he is not reported to me I suppose he keeps to work.

Q. Have you any knowledge as to the condition in which his person was after the paddling? A. No, sir.

Q. You know he went to work directly after that? A. Yes, sir; he went to work; I don't know whether he went to work that day or the next day; I can't say as to that, I can't remember.

Q. Are there any other cases of punishment that have occurred under your observation in the prison? A. There has been a good many, but I don't know as I can call them to mind now; that being the last one I had any thing to do with I remembered it.

Q. In what shop do I understand you are at work at present? A. In the shoe-shop.

Q. You have been there six years, in the prison? A. Yes, sir.

Q. And the contract system has been in operation during all your term? A. Well, when I first went there there was two or three contracts, small contracts.

Q. Have you ever heard among the prisoners any complaint as to the contract system? A. I don't know as I have ever heard them say any thing against the contract.

Q. Have you any knowledge that they have preference for State work over contract work? A. I know the first year I was there there was a good many idle men that did nothing; they used to take them out in the morning and take them back at night. I remember the hat shop was started, I had a company of men for a short time, and there were some men in the shop where I was, and they came to me and wanted to know if I could not get them work in the hat shop, that they did not like this hanging around; that the time hung heavy on their hands; that they wanted to have something to do, wanted to work.

Q. Have you discovered any instance where the legitimate interests of the prison and of the prisoners have been sacrificed to the interest of the contractors? A. I can't say that I have.

Q. Have you seen any evidence which in your judgment goes to show that the contract system works to the prejudice of the proper discipline of the prison? A. No, sir.

Q. Any interference on the part of the contractors, or their agents, with the discipline of the prison, or the prison authorities? A. No, sir.

Q. Any attempt to impose undue burdens upon the prisoners? A. No, sir.

Q. Or any attempt to impose upon the prisoners more than they can bear? A. No, sir.

Q. Have you heard any allegations among the keepers or officers of the prison going to impeach the contract system? A. I don't know that I have.

Q. Is there so far as you know among the prisoners a feeling of degradation on account of being hired out to contractors? A. Never heard it.

Q. Have you any knowledge going to show that the contract system is prejudicial to good order in the prison, or to the best interest of the prisoners? A. I think the interests of the convicts are better under the contract system, that is where they are employed, whether it be at contract work or otherwise.

Q. That is you think it is better for them that they should be kept at regular work? A. Yes, sir.

Q. During the period you speak of where the prisoners were allowed to remain all day idle, unemployed, what was the effect of that upon the discipline of the prison? A. Well, they became restless, uneasy; appeared they wanted something to do to busy themselves, and they did not know what to do; they would lie around the shop, and it was a great deal more difficult to control them than if they were at work.

Q. Was it often the case that conspiracies or attempts to violate the discipline of the prison were enacted during that time? A. Oh, yes; they had more time to complain, and concocted those schemes oftener than they do now.

Q. Have you discovered among the prisoners a general willingness to work? A. Among the greater class of them, but there are some who don't like to work, if there is some way to get out of it.

Q. Do you discover in your position as keeper any disposition upon the part of the prisoners to shirk or sham? A. Yes, sir.

Q. Does that prevail to any great extent? A. Yes, sir, among a certain class; there are some who never try to shirk their work and there are a good many others who do.

Q. You have been very well acquainted with the principal keeper, Mr. Dixon? A. Yes, sir.

Q. And have had occasion to observe the manner of his treatment of prisoners? A. Yes, sir.

Q. How would you characterize his conduct as an officer of the prison? A. I think he has been about as humane a principal keeper as we have had there since I have been with the men.

Q. Have you any knowledge of the punishment inflicted on the prisoner Gray here — he was sworn here to-day? A. No, sir.

Q. You have no knowledge of that case? A. No, sir.

Q. Had you any knowledge of the prisoner Gray himself? A. I used to see him; he used to come up to my shop every day with stock.

Q. Do you know what his general character was as to order and obedience? A. I never heard.

Q. You never heard any thing to his prejudice? A. No, sir.

Q. Do you know any thing of the prisoner Killoran who has been examined here? A. I knew him in the prison; I used to see him every day; I used to see him in the laundry when he was there the first time.

Q. Do you know any thing of the fact of his being punished? A. Yes, sir; I knew he was punished.

Q. Paddled? A. Yes, sir.

Q. Do you know for what? A. I knew it was for short work at the time.

Q. Was he usually orderly and obedient to the rules of the prison? A. Oh, he always was I guess; he was never in my shop so that I did not know much about that, but I understood at that time that he was what was called a beat, that is, trying to shirk his work.

Q. That was his reputation in the shop? A. Yes, sir.

Q. Was he troublesome in any way in the prison? A. Oh, no, he never gave any trouble any more than he would try to get out of his work.

Q. Have you any knowledge of any partiality or favor being shown certain prisoners over and above that shown to others? A. I have never seen any.

Q. Do you know of any instance where outside influence, political or otherwise, has been brought to bear upon officers of the prison to induce them to show partiality or favor to any of the prisoners? A. No, sir.

Q. Or obtained for them a change of work? A. No, sir.

Q. Do you know of any instance of money being used to influence keepers? A. No, sir.

Q. Have any such rumors come to your ears during your term as keeper in the prison? A. I have heard such things when I first went there.

Q. That is years ago? A. Yes, sir; that used to be the practice then.

Q. Have you heard any thing of that kind since? A. No, sir.

Q. And have no knowledge of any thing of that kind being practiced since? A. No, sir.

Q. And have no knowledge of any thing of that kind being practiced at the present time? A. No, sir.

Q. The same physician has been in charge in the prison during the whole of your term? A. No, sir.

Q. How long has Dr. Barber been there? A. I should judge in the neighborhood of two years.

Q. Who was the physician prior to Dr. Barber? A. I think Dr. Smith.

Q. Have you any means of knowing whether the requests of prisoners for medical assistance are attended to by the physician? A. I never heard of a convict being refused treatment or medicine in the hospital since I have been there.

Q. You have knowledge that they frequently apply for medical help? A. Oh, yes; some one goes to the hospital nearly every day.

Q. And do you know whether they are always supplied when they go there? A. They always do when I go with them — sometimes they bring it back with them and sometimes they take it right there.

Q. Do you know of any case where prisoners, sick and feeble, have been kept at their work against their request for medical assistance and treatment? A. I have known them where they claimed they were sick, and have gone to the hospital and the doctor would not excuse them and they would come back to their work.

Q. Had you personal knowledge of their condition, as to whether they needed help? A. Only what they told me.

Q. You could not judge from any physical sign whether they needed help or not? A. I couldn't say only what they told me, I never pretended to be a doctor, so I couldn't tell.

Mr. BRUSH — I want him to straighten out his evidence on one case that there had been no bribery. There is one he has forgotten, the case of Haigh.

By Mr. KEYES :

Q. The case of Haigh — do you know any thing of that case, J. Lloyd Haigh? A. Only what I have heard, that he attempted to bribe the principal keeper.

Q. Dixon? A. No, sir, Mr. Bowes; for a position of some kind, and he was placed in the chaplain's office.

Q. You heard that as a rumor merely, you had no knowledge of the fact? A. Only that I heard it.

Q. From whom did you hear it? A. It was talked of pretty generally in the prison.

Q. Got into the newspapers? A. Yes, sir.

Q. And Haigh was kept at the same work? A. I believe he worked in the foundry and was transferred to the chaplain's office—it was claimed that Mr. Bowes put him there through money, but he was transferred out of that and put in the shoe-shop.

Q. After this rumor became known? A. After this rumor became known—put in the shoe-shop again.

Q. By whom? A. By Mr. Brush.

Q. The present warden? A. Yes, sir.

Q. When did this happen? A. A year ago last summer.

Mr. KEYES—Any other question, Mr. Brush?

Mr. BRUSH—No, I only wanted it to appear that he did not omit that case.

WITNESS—I had forgotten that.

*Dr. Barber* recalled, examined, testified as follows:

By Mr. KEYES:

Q. Do you remember where we left off with you? A. I think you left off with the doubling up question—I think you got through with that.

Q. You are in daily attendance as I understand at the prison, doctor? A. Every day in the year—I have never been absent a day and a night since I have been there.

Q. At night are you present at the prison? A. Every night except Saturday night.

Q. All night long? A. Yes, sir.

Q. Have you any practice outside of the prison? A. No, sir.

Q. Your whole time is given to the prison? A. My whole time is given to the prison.

Q. About how many daily applications are made to you by the prisoners? A. On the average a hundred a day—that is, what we call the morning call.

Q. Commencing when? A. About seven o'clock—sometimes in the summer about a quarter before seven.

Q. And continues until what hour? A. Twelve o'clock.

Q. During those hours if prisoners require medical treatment they come to the office? A. Yes, sir; they are allowed to come to the office and no prisoner has been denied the privilege of coming to the dispensary that I know of; that is the rule—that's the order—my order.

Q. During the afternoon how were you employed? A. I am employed in the hospital up stairs and in general observation about the yard, as to the sanitary condition of the yard and the hall and the cells—they all come in my immediate department.

Q. And if a prisoner desired medical treatment, during the afternoon of the day, would he be able to obtain it at your hands? A. Yes; it has

never been refused ; the rule is that all who wish to visit the hospital from the different shops must do so between seven and eleven o'clock, that is, to avoid confusion in the after part of the day ; but my orders are that if a man is taken suddenly ill in the afternoon the order is to bring him to the hospital and they frequently do come, but not as a general rule.

Q. Where a prisoner comes to you with the complaint that he is sick or disabled, and unable to work from any cause, do you make a particular examination of his case? A. I do, where the appearance of the prisoner seems to indicate it, always.

Q. Do you allow him to state his case—to state his symptoms—the way in which he is suffering? A. Yes, sir ; I always let them explain their wants ; I wish now to say here, that when men are brought in the dispensary from the different shops they are arranged on benches ; my clerk calls the name of the prisoner first on his list, he comes and sits down in front of me ; I write his name down in a book in one column, I ask what his difficulty is and he tells me and he always has ample time to do it ; he tells me and I write that down in another column ; I write the prescription down in the third column and so I continue until I get through the whole list.

Q. You write out the prescriptions? A. I call out the prescription to the dispensary clerk inside and the prescriptions are put up, all that we can prepare there.

Q. What has been the average death rate in Sing Sing during your term? A. The first year I was there, 1880, the deaths were eleven ; in 1881 the deaths were seventeen ; during the five years last past, I have gone carefully over the record and I find the average has been nine in a thousand — a little more than a thousand.

Q. How does that compare with the death rate in the village of Sing Sing? A. I don't know from my own knowledge, I get the information from the doctors there ; Dr. Fisher who is one of the oldest physicians there, Dr. Fisher tells me the death rate in the prison is less by considerable than the death rate in the village, that is all I know about it.

Q. You have a general knowledge of the death rate in the different towns and cities? A. Yes, sir ; I see from the reports of the boards of health in New York last year thirty-two and a fraction in a thousand, while in Sing Sing prison it was a little over one per cent ; the year before in Sing Sing prison it was a little more, it runs about like that on the average, for the last five years it has been about one per cent in a thousand.

Q. Where you have doubts of a prisoner's ability to do his work what is your method of meeting the case? A. Where I have doubts as to the man's physical condition I always excuse him.

Q. Give him the benefit of the doubt? A. Give him the benefit of the doubt, that is my universal method ; if I err I mean to err on the side of the prisoner.

Q. You think there have been no errors against the prisoner? A. I don't say I have made no mistakes, but I have no knowledge now of any mistakes.

Q. That is that subsequent results have shown that? A. No, sir ; I have no knowledge of that kind — of any serious mistakes that have been made that is detrimental to the health of the prisoner.



Q. Do you sometimes change the work of the prisoners? A. Every day, sir; I think, nearly every day.

Q. That is you mean to say every day that certain prisoners come to you to be changed? A. Certainly; in every case where an application is made by a prisoner, and from my own knowledge of his health, and my own knowledge of his condition, I think he would be benefited by change, I change him.

Q. Do you sometimes remove the prisoners from the contract to State work? A. I think every week in the year I change prisoners from contract to State work.

Q. Do you make these changes on your own responsibility? A. I do entirely; I am responsible to no one else.

Q. You are not obliged to consult the warden or the principal keeper? A. No, sir, I am not.

Q. You are bound by your own judgment? A. My own judgment; my judgment is final, I don't mean to say that I don't consult the warden, but I am responsible to no one else, all the responsibility falls on me.

Q. In case of physical punishment, corporeal punishment, are you always present? A. Invariably, always.

Q. Is it a violation of the rules of the prison for the principal keeper to inflict the punishment in your absence? A. I so understand it.

Q. And you have no knowledge of any instance where punishment has been inflicted in violation of that rule? A. I am very certain that no physical punishment has been inflicted by Mr. Dixon without my being present.

Q. Do you know Joseph Morgan, a prisoner? A. I do.

Q. Is he in Sing Sing now? A. Yes, sir.

Q. In what shop? A. He is now on the stove contract; he is in the tin shop now, what we call the pattern shop.

Q. What is the character of his work? A. His work is very light, making tin-ware.

Q. Has he regular tasks? A. I don't know whether he has or not, they have tasks there; the work is very easy.

Q. Has he ever been punished? A. No, sir; except being in the jail one night or day; I found him there one day; I visit the jail every day, sometimes twice a day.

Q. Is he in good health? A. He is now, sir.

Q. Has he ever been under your care? A. Yes, sir, from the day he came in the prison until—I can't explain his condition.

Q. Very well? A. When he came to the prison he appeared to me to have what appeared to me to be syphilitic ulcer on the tibia here, and I also judged from his looks; of course, I had no means of knowing the nature of his difficulty, his general health was very good outside of that, he had no organic disease, no functional disease, I gave him a good examination; he seemed to be well otherwise; this sore did not cripple him, but it was a little sore about the size of a quarter of a dollar, seemed to have been badly handled before he came there, I immediately put him under treatment, if there ever was a man in that yard who received continuous and extra attention it was Joseph Morgan. Contrary to the usual custom I gave him a pass, wrote it myself to come to the dispensary every morning at nine o'clock to be treated,



I gave him local treatment for this wound, this sore, he came to the hospital every day of the world, except Sundays, until his ulcer was healed, and the blotches disappeared from his body and his health seemed to be as good as any man's there so far as I could see.

Q. What is his present condition and health? A. It is good, sir; it is as good as the average, he was in to see me this morning; he has a little cold now, is taking some syrup.

Q. Do you know of any instance of your refusing to give him proper medical attention? A. No, sir, not to my recollection; I am satisfied I never did; I gave him extra attention; not any more than I would any other convict under similar circumstances; when I have a convict who has an ulcer that requires dressing I give him a pass so that he can come to me daily.

Q. Did you change his work? A. Oh, yes, I changed it twice since he has been there; I did not take him off a contract as he has stated.

Q. What was the reason he assigned? A. That he was physically unable to do contract work.

Q. What were your reasons for keeping him at his work? A. That he was physically able to do the work assigned him.

Q. Have the subsequent facts verified your judgment? A. Yes, sir, his health is better than it ever has been.

Q. Are you satisfied that his health has not been impaired on account of his work? A. Yes, sir; on the contrary, I believe his health has been benefited by the work he has had to perform.

Q. Does he occupy a double cell? A. No, sir, a single cell, he did occupy a double cell; he applied to me to be singled out, and I wrote the order myself.

Q. What reason did he assign for wanting to be singled out? A. That his leg troubled him; that the air was bad.

Q. And you immediately singled him out? A. Yes, sir.

Q. Do you know a prisoner by the name of Edward Smith? A. Yes, sir.

Q. Is he in the prison now? A. Yes, sir.

Q. What has been his work? A. He was on the laundry contract for some length of time.

Q. Was he able to perform the work in the laundry? A. He was and did, up to a certain point.

Q. What was his physical condition while he was there? A. It was good, as good as the average.

Q. Do you know any thing of the circumstances of his jumping from the second story of the laundry to the ground? A. Yes, sir.

Q. State the facts? A. He was brought in the hospital; he told me he had jumped off the second story of the laundry.

Mr. BRUSH — The first story you mean?

Mr. KEYES — First story?

Q. You mean then the first flight of stairs? A. Yes, sir, he jumped off the platform of the gallery, he told me; about twelve or fifteen feet; I should think his ankle was sprained; he seemed to be a little lame: he walked to the hospital; I found there were no bones broken and no bones misplaced.

Q. Any sprained? A. Well he was lame for a few days afterward; I treated him the same as I would any case of sprain.

Q. He was kept in the hospital was he for several days? A. Not at that time, I had excused him from labor for a few days and he seemed to be all right, and I sent him back to the laundry; in the meantime, however, I inquired of those who had charge of him how he had been in the habit of doing the work, whether he got along well with his work, and whether he could do the work; from them I learned he could do his work and do it up in good time and do it well: like all others he did occasionally have a wash over, that he would be required to make over the next day or some future time; I then sent him back to his work in a few days; I can't say how many days; he was brought to the hospital a second time, having jumped from the same place a second time; this time he seemed to have injured his wrist and his ankle; I was there in the hospital at the time he was brought up; I examined his wrist; I found no bones broken or displaced; I examined his ankle and found that it was what we call an ordinary sprain; he could walk; he walked to the hospital; I told him I thought for the violation of the discipline of the prison I should be obliged to turn him over to the principal keeper; he begged me not to do it, he said he never would do it again; I said you told me that before; you are setting an example here that is demoralizing; I sent for the principal keeper and told him to take charge of him and he did so; he put him in the jail; I sent for a bed and put the bed in the cell.

Q. Which is unusual? A. Which is unusual; I visited him daily — sometimes twice a day personally — gave him all the treatment that was necessary to give him under the circumstances; after he had been in jail some days, he seemed to have an attack of gastric difficulty; he was taken with a vomiting, then I took him out and put him in the hospital.

Q. Did you think the gastric troubles were owing to the want of sufficient food? A. No; I think the gastric troubles came from the shock he received in jumping from the laundry platform; the bread and water he received there would hardly disturb his stomach to any extent; I took him out of the jail immediately and put him in the hospital up stairs and I took him off the contract entirely; I thought his example was demoralizing to the other prisoners employed on the contract.

Q. One of his ankles is very badly swollen? A. It is swollen some, it is not very stiff.

Q. How do you account for its being swollen? A. He injured the same ankle both times.

Q. Is it likely to be permanent? A. No, sir.

Q. In your judgment was his ankle broken, could his ankle have been broken without your knowing? A. No, sir; I think the synovial membrane that covered the joint leaked, the ankle was swollen more after I put him in the hospital than it is now; I used the proper fomentation; I used iodine to reduce the swelling and I may eventually succeed.

Q. Were you aware at the time of the last injury that the ankle was in a condition to require special treatment? A. He got it every day, I did it myself every day.

Q. And this present condition of the ankle, this swollen condition of the ankle, in your judgment was it unavoidable? A. Yes, sir; that

is my judgment; I did every thing in my power, he did not lack any attention that a man in his condition should have.

Q. What is he now doing? A. He is at work for the State; I don't know what he is doing; he never comes near me, never has been since I took him off the contract.

Q. Do you know Jerry Sullivan? A. I do.

Q. A prisoner in Sing Sing prison at present? A. Yes, sir.

Q. Employed in what shop? A. He is employed in what is called the fitting shop—I believe he is a stove fitter.

Q. What is his physical condition? A. His physical condition is good, with the exception of a slight lameness, I think, in his right leg.

Q. Leg swollen? A. No, sir.

Q. Shrunk? A. It is shrunken from the knee down to the ankle joint.

Q. Caused from what? A. As near as I can learn from his statement it is congenital—that he was born so.

Q. Does the record show what the physical condition of a prisoner is when he is received in the prison? A. Yes, sir.

Q. Does the record show what his physical condition was when he was received? A. It shows that it was good with this exception.

Q. Does it show that this physical defect existed? A. I don't know whether it does or not.

Q. Should it show it? A. Yes; it may show that he had a slight lameness.

Q. From the appearance of the leg would you think it was as strong as the other? A. I should think not.

Q. In your opinion does it interfere with his work—his present condition? A. No, sir.

Q. Would it interfere with his lifting heavy work? A. Yes, sir.

Q. Does it interfere with the lifting he has to do? A. Where he is employed they don't lift any heavy work, they have only parts of stoves, such as doors.

Q. Is he required to be on his feet every day? A. Yes, sir.

Q. Has he ever complained to you that he is not able to do his work assigned to him? A. Yes, sir, several times.

Q. What is the fact in your judgment as to his being able to do the work assigned to him? A. That he is able to do it and does it every day, is doing it now, doing it cheerfully too, I think.

Q. Has he been in the habit of applying to you frequently? A. He did when he first came there; he did not intend to work at all, wanted to be put on the State.

Q. Did you ever refuse to treat his case? A. No, sir, never; I excused him several days and painted his leg with iodine.

Q. Has he ever objected to being treated by you? A. Never to my knowledge.

Q. You heard the testimony of the prisoner John Gray this afternoon, did you, doctor? A. Yes, sir.

Q. You heard his statement of his case? A. Yes, sir.

Q. When he alleges that he was sick and desired treatment and was refused it and punished for not performing his work? A. I did.

Q. What have you to say in regard to that case? A. I say it is not true.

Q. Please state your knowledge of the whole matter? A. I will say in brief that Gray was a man who thought himself too good to work; he was doing very easy work and was constantly coming to the hospital, not complaining of being sick but of being feeble, and tiring me to death to let him come into the hospital to eat; I did occasionally give him oat-meal and a cup of tea and the more I favored him the worse he acted; then he resorted to all sorts of shams to avoid work.

Q. Do you know whether he did actually have the diarrhoea? A. Well, from his general appearance and from his tongue I should say he had not.

Q. Did you put him to the test? A. No, sir, I did not as I sometimes do; I gave him medicines; I found him in the jail one morning, I asked him how he got there, he said he was put there because he could not do his work; he was afterward taken out so the principal keeper told me; I didn't hear the conversation; Mr. Dixon told me he was so insolent to him when he was in the jail he would be obliged to punish him.

Q. Did Mr. Dixon state the language to you? A. No, sir.

Q. Were you consulted about the punishment? A. In no other way except that.

Q. Were you present at the punishment? A. Yes, sir; he spoke about the chaplain being present; I never knew of the chaplain being present at a punishment.

Q. Who was present there? A. No one else except Mr. Dixon and myself and perhaps Mr. Westlake.

Q. Please describe his punishment? A. The punishment was very light; I don't think it exceeded more than a dozen blows; it might have been ten or twelve, but I don't think it exceeded more than ten.

Q. Were they inflicted without intermission? A. Oh sir, that is not usually the case.

Q. Was opportunity given the prisoner to promise obedience? A. Yes, sir, he was asked if he would behave himself; he said "I never refused to do my work;" Mr. Dixon asked him after administering one or two or more blows, he asked him: "Do you think you can speak respectfully to your superior officers?" or that in effect.

Q. Would you think it disrespectful in a prisoner to say that I can't do my work? A. No, sir.

Q. From your experience would it be considered disrespectful for a prisoner to say "I can't do my work," when asked if he would do his work? A. No, sir.

Q. "I can't" would not be considered equivalent to "I won't?" A. No, sir.

Q. Would an officer be likely to stand upon a prisoner's answer in such a case? A. I never knew Mr. Dixon to do such a thing, sir; at least I can't call any to mind.

Q. During the punishment where the prisoner said, "I never refused to do my work," did Mr. Dixon appear to regard that as an offensive answer? A. I think in certain cases he might — where he asked the direct question and the prisoner answered in that way he might.

Q. And do you think the additional blows that were administered (Assem. Doc. No. 131.) 27

in this case were administered on account of such answer? A. I couldn't say, sir.

Q. What was the prisoner's final answer? A. He said he would do his work; he went directly from the punishment room and as a proof that he hadn't the diarrhoea that day was that he did his work that day and did it for three months.

Q. Have you had occasion to examine the prisoner's person after being paddled? A. I always see it.

Q. Do you ever administer treatment for soreness or abrasions? A. I think I never did except in one case.

Q. Under Mr. Bowes? A. Yes, sir.

Q. Who was present? A. I don't know; it was soon after I came in the prison.

Q. What was the occasion of administering treatment in that case? A. Well, he was pretty sore.

Q. He was pretty sore? A. Yes, sir.

Q. Was it a severe case? A. Yes, sir.

Q. Was there necessity for it? A. Yes, sir — he threatened the life of the principal keeper — that is he said "If you paddle me I will put you in the Hospital," that was soon after I came to the prison. I was a novice in those matters at that time.

Q. In that case was blood drawn? A. No, sir, not blood but it was blistered.

Q. Ordinarily do you consider treatment necessary? A. No, sir; not ordinarily — I believe I never treated but one man and that was the man I spoke of — I sent that man to his cell and excused him from his labor and gave him some liniment, and had him treated — he never complained to me after that; he has been a good man since.

Q. In the case of Killoran was he ever punished under your observation? A. No, sir; I never knew Killoran by sight until I saw him here to-day.

Q. In your judgment was Gray physically sound and able-bodied when he came to the prison? A. I don't know when he came there to the prison.

Q. During your knowledge of his case? A. Yes, sir; in regard to his rheumatism, I had better explain as to that. After he had played this diarrhoea until he got into trouble, he didn't call for about three months; then he came over and began to complain of having the rheumatism; I examined his joints and found no evidence of it; he said, "well, I have got it in my back — in my kidneys." I said, very well, I will treat you, and I prescribed the usual treatment for the rheumatism as I do every day, had his back rubbed with liniment by my assistants, and sent him back to his shop; his work didn't amount to any thing, he did it for several days. One morning he came in again on the arm of some convict in the dispensary; I treated him, had his back rubbed, excused him and sent him to his cell; I think I did that for three days; each day he seemed to grow worse; finally he was brought in between two men, and I put him in the hospital. He beat me, I gave him the benefit of the doubt, he beat me; I kept him in the hospital twenty days; he kept his bed right along until I persuaded him to get up; he said I told him if he did not get out of bed I would turn him out of the hospital, I never did that, but

I persuaded him to get out of the bed, and I treated him every day, he said I didn't, that he couldn't see me; he received all the treatment any man needed to ask for, or that was required in his case. The moment that he got out of bed he got better, until I discharged him, and he went to his shop, and he never came back after that.

Mr. BRUSH. — I would like to have it appear from the doctor's testimony that a prisoner can visit him every day, whether he is sick or not.

By Mr. KEYES :

Q. Is that the fact, doctor? A. Yes, sir.

By Mr. BRUSH :

Q. There is, in fact, opportunity given every day to the prisoners to come with the hospital call? A. Yes, sir; there are about five hundred men in that yard that visit the hospital constantly, there are about one thousand men that only come when they are obliged to; out of that five hundred about half of them are beats, what we call dead beats; they resort to any sort of subterfuges; they lie and in every other way try to get excused from work; they are beats in every sense of the term; they do beat me. I know of no instance where a sick man has been refused medicine since I have been there; I can't recollect a single case; I am there every day in the year, I have never been absent a day and a night since I have been there; I have been there two years. There was something said about Brandon.

Q. Please state briefly what you know about Brandon? A. Brandon was a consumptive, he had weak lungs, he was not on contract work, he was a contract waiter; his duties were light and he was in the open air a great share of his time. He took a sudden cold and just as soon as my attention was called to it I sent him to the hospital; his cold rapidly developed into what I call quick consumption, and he died; I have the minutes here from my records: "William O. Brandon, age thirty-seven, had what we call pulmonary consumption; his duties were those of a waiter, very light, and mostly in the open air; on March third he took a violent cold and I immediately placed him in the hospital; on the morning of the fourth his condition rapidly developed into acute inflammation and he died on the tenth, that is, six days afterward; an occurrence that would happen any day in any city, in any town or country. I am satisfied, further, that there has been no death that occurred there since I have been there but what might occurred anywhere under any circumstances; I can call to mind no death now that has been brought on by excessive labor; I have been very careful to go through the whole list of deaths during the two years I have been there, and I can't call to mind any death, now, where the death was hastened or could have been prevented.

Q. Did you read the *Herald* article of February 23d? A. Yes, sir.

Q. Have you personal knowledge of the cases of sickness or death mentioned in this article? A. I have them every one on record, except one, I can't state the case of George Fox.

Q. George or John? A. John Fox; that I never knew of, the others I can state.



Q. What would you say of the case of Polkato? A. Polkato, I found him in the hospital when I came there; it was what I call a case of vacular cornea, what produced it I don't know; I kept him in the hospital for some time, until he got out, treating him for his eye, I don't know what caused it.

Q. I refer to the fact of his being washed out? A. I took him off the contract and put him in the mess-room, and he remained there until he gave pretty positive signs of insanity.

Q. At the time of this washing out he was in your judgment insane? A. Yes, sir; I sent him off to Auburn the next day; he was very powerful, very violent and had a piece of iron in his hand that would have killed an ox.

Q. And you considered this washing out necessary? A. Oh, yes; certainly; there wasn't a scratch on him.

Q. Do you remember the case of George Wood? A. George Wood; he was working in the shoe-shop — age thirty-four.

Q. Did he request to be placed at other work? A. No, sir.

Q. Did he request that he should be placed where he could breathe fresh air? A. No, sir; after he was placed in the hospital he thanked me; he wrote a letter to his sister and they brought it up to me.

Q. Was it true that he was kept at work after consumption began to develop? A. No, sir; he took a sudden cold.

Q. The disease took an acute form then? A. Yes, sir.

By Mr. BRUSH:

Q. Had it any thing to do with his labor? A. No, sir.

By Mr. KEYES:

Q. No connection between his work and the sickness with which he died? A. No, sir; no connection whatever.

Q. The case of Frank Cunningham; died February 24, 1881? A. Frank Cunningham, aged twenty-three; had complained for some days of pain in the head, I excused him from labor; it didn't appear to be serious; still I judged from his appearance he ought to be excused; after a few days I placed him in the hospital; on the twenty-second day of February his disease developed symptoms of the brain and softening.

Q. How long was he absent from his work? A. On the twenty-second he went into the hospital and died on the twenty-fourth, in a spasm; I made a post-mortem examination, I took out the brain and found what was the difficulty; he had congestion of the brain, and a small abscess right over the frontal sinus here — and died suddenly — and as men sometimes do, had softening of the brain.

Q. Had that condition existed for some time? A. Undoubtedly he had it when he came in the prison.

Q. And did the work develop the disease? A. Not in the least.

Q. What do you say of the case of Wm. W. Wills? A. Wm. W. Wills was never on the contract; when I knew him he was in the mess-room.

Q. Ever complain of his work? A. No, sir.

Q. George Henry, colored? A. George Henry was not on contract;



George Henry's case was a very peculiar case; he was on State work, going about the yard; I noticed his appearance; his color struck me as being very peculiar; I treated him; he came in every day after the regular call, I treated him, gave him oatmeal occasionally, and occasionally milk and tea, he didn't seem to improve and I put him in the hospital; on May 17, after I got him in the hospital, I found he was addicted to self-abuse; I put a watch on him, and I found that he abused himself two or three times a day in the hospital, I then knew what was the difficulty; he had no disease; he died purely of nervous exhaustion; that was a case where I could trace no disease except a disease of the nerves, that was exhaustion brought on entirely by masturbation.

Q. Cornelius Lynch? A. Cornelius Lynch was a good man, he never complained of his work, scarcely ever visited me but unfortunately was caught in the machinery one day and was so severely injured that he died within half an hour.

Q. Do you know whether any of the officers of the prison are to blame for this accident? A. I do not, sir; I never heard of any intimation of that kind; he had all the medical and surgical attention we could give him.

Q. James Makinson, colored? A. James Makinson was another case of weak lungs, he was in the hospital shop as we call it there; his work was merely nominal; he seemed to run down, I treated him daily; at last my assistant who has charge of the night work in the hall says to me, do you know that Makinson is abusing himself; I said I suspected it; I put him in the hospital and put a watch on him, and I found he was abusing himself and did to the very day he died; he died about ten o'clock at night and he abused himself that day, and I examined him afterward and found the bloody semen was running out of his organs.

Q. Was his death in any way attributable to the work to which he was assigned? A. No, sir.

Q. Charles Smith, colored? A. Charles Smith was another case of the same kind as Makinson.

Q. His death was not attributable to the work he was assigned to? A. No, sir; those three cases were distinct. I have written them out.

Q. The allegation here is that the doctor gave him occasionally Dover's powders, and ammonia and cough mixture, and only two days before being admitted to the hospital he drove him to the shop, threatening to send him to the doctor next door. A. I have no recollection of doing that; I don't think I did. It is only to well ones I say any thing of that kind, and it is very seldom I say that to well ones.

Q. The case of George Gaskin? A. George Gaskin was brought to the hospital; had a stroke of paralysis, if I am not mistaken. He was on contract; he had no disease, but he was brought in the hospital one day. I think he was carried in, or led in, and he said he had no use of one side. I sent him up stairs at once, and he died of paralysis.

Q. Edward Young? A. Edward Young? there has been a good deal said about Edward Young. Edward Young, aged eighteen, was employed in the polishing shop, something like that sitting down or standing up polishing little door-knobs, or something like that—knobs for stoves. After awhile he had a swelling about the neck, as most of the colored people there have. I treated him for scrofula. I

took him out and put him in the hall. He was going about in the open air and doing no work of moment.

Q. Was he ever put in the dungeon? A. No, sir; not that I know of.

Q. Was he ever paddled? A. No, sir; not that I know of. I admitted him to the hospital the 29th of April, and he died on the 16th of May of scrofulous affection.

Q. Robert West? A. Robert West had inflammation of the bowels, caused by strangulated hernia. He had a light hernia, and wore a truss. One night his hernia got down, in his cell, and he couldn't get it back. He always got it back himself. He never complained to me. One night it got down and he couldn't get it back. The next morning he was brought in the hospital, and died shortly afterward.

Q. What was his work? A. I think he was in the fitting shop. His work was not hard; he never complained of his work. I put him in the hospital and reduced his hernia, using proper fomentations; but in spite of every thing I could do the intestine got down and I couldn't get it back. Finally it became strangulated, and he died.

Q. William Thompson? A. William Thompson, age thirty-four, admitted to hospital April 10th.

Q. Ever complain of his work? A. No, sir; never complained of his work. He used to come in the office for every day for several months; he used to complain of his strength.

Q. Is it true that in January last he came to you and asked to be excused for the remainder of that day, and that such request was denied? A. No, sir; I excused him several days; then he went in the hospital.

Q. You had had special knowledge of his case prior to January last? A. Yes, sir.

Q. And if he had come to you in January last, complaining of being unable to work, what would have been your judgment as to the probability of his being able to work? A. He did come to me several times, and I sent him to his cell.

Q. The case of John Fox? A. The case of John Fox? that I never knew of; that occurred before I came in the hospital.

Mr. KEYES — Any thing more, Mr. Brush?

I would like to have you ask the doctor what interest, pecuniary or otherwise, he could have in excusing the men.

WITNESS — It would be to my interest to excuse them if they were sick, and keep them out of the hospital.

Q. Would your work be easier? A. Yes, sir.

Q. Do the contractors ever interfere with you in regard to your duties? A. I am happy to say that since I have been in Sing Sing that no contractor, or man who had an interest in the contracts, has ever interfered with my duties.

Q. Or any agent of the contractors? A. No, sir; nor has the warden or any officer of the prison ever interfered with my duties; if a man is sick and dies there there is no man responsible but me; hence the law has made me free from all their influence.

Q. That is the responsibility for the disposition of the case; the management of the case is thrown entirely upon you? A. Yes, sir; and I am happy to say that no man has ever interfered with me in my capacity as physician there.

*James Connaughton*, called as a witness, sworn and examined, testified as follows :

By Mr. KEYES :

Q. You reside at Sing Sing prison ? A. Yes, sir.

Q. And are a keeper in Sing Sing prison ? A. Yes, sir.

Q. And have been how long ? A. Since January, 1876.

Q. In what shop have you been stationed ? A. The first two months in the chair shop, and since that time in the laundry.

Q. And are in the laundry now ? A. Yes, sir.

Q. Having charge of a gang there ? A. Yes, sir.

Q. You are at present in the laundry ? A. Yes, sir.

Q. Do you know Edward Smith ? A. Yes, sir.

Q. Know anything of the fact of his jumping from the second story of the laundry ? A. I remember the day he jumped.

Q. State what you know of the facts connected with that case ; what was the cause of it ? A. No cause that I know of.

Q. Had you any cause for suspecting what the cause was ? A. He never was in my company.

Q. What was his character for order and obedience ? A. Very poor.

Q. Neglect his duties ? A. Yes, sir.

Q. Slighted his task ? A. Yes, sir ; he didn't try to do his work.

Q. Is he in the laundry yet ? A. No, sir.

Q. Had he been subjected to any severity of treatment prior to his jumping off ? A. No, sir.

Q. Had there been any threat prior to that time ? A. No, sir.

Q. Would you have been likely to know if there had been ? A. I would.

Q. Is it a fact generally that the men in the laundry find their work severe ? A. No, sir ; there is two-thirds of the men in the laundry who have their work done by two o'clock, and some have it done by eleven o'clock.

Q. Twenty-six shirts ? A. Yes, sir ; I have men in my company who have their work done by eleven o'clock, and about two-thirds of the men have their work done by two o'clock.

Q. Don't you think there are some of them there who cannot do their tasks ? A. No, sir.

Q. You think that any of the men there can do their task if they tried to do it ? A. Yes, sir.

Q. You find that there is a great difference between the men ; isn't it possible that some of the prisoners might find it impossible to iron the number of shirts assigned to them ? A. Sometimes.

Q. In such case what would be done ? A. In two or three cases I spoke to Mr. Mahaney that I thought they never would make ironers and he spoke to the keeper, and they would be taken off the contract.

Q. That would usually be the case ? A. Yes, sir.

*Dr. Barber* recalled, testified further, as follows :

I examined every man who came there, physically ; I make suggestions to the principal keeper, as to assigning those men work ; when I

find a man that is compactly built, short back, short limbs, I think he would make a good moulder.

By Mr. BRUSH :

Q. How about size? A. Well, if a man is a tall man, with a long back, I don't think he will make a good moulder; if I find a good man that I think will do to put in the laundry I have him sent to the laundry; if I find that he can't do the work I have him removed.

*James Connaughton*, recalled :

By Mr. KEYES :

Q. Do you know Killoran? A. Yes, sir.

Q. Did you know him while he was there? A. Yes, sir.

Q. Did you have an opportunity of seeing him every day? A. Yes, sir.

Q. What kind of a man was he? A. He is what I call a fraud.

Q. Did he have his task done? A. No, sir; short nearly every day.

Q. Did he seem to have a difficulty in doing his task? A. He never wanted to do his work — he wasn't in my company, his company was near my desk and I know he never tried to do his work.

Q. Was he idle? A. He was.

Q. Didn't he try to do his task? A. All the time he could spare he would go in the fire-room and lounge around there and talk with the ironers.

Q. Was he reported for short work? A. I think he was.

Q. How about Sunday work in the laundry? A. There is no Sunday work in the laundry.

Q. None required? A. No, sir.

Q. As a matter of fact, might not the prisoners do more or less work there on Sunday without being required to do it by contractors? A. There is no Sunday work done there, except in the summer — in the summer the men take about two hours in the morning to dampen their shirts.

Q. With that exception you know of no Sunday work done in the laundry? A. No, sir.

Q. Have you ever witnessed any cases of paddling? A. Yes, sir.

Q. What case? A. Well, different cases.

Q. Do you know John Gray? A. No, sir.

Q. Didn't witness his paddling? A. No, sir.

Q. Do you know any thing about his conduct in the prison? A. I do not, sir.

Q. Do convicts ever make requests to you to be allowed to see the doctor? A. Yes, sir.

Q. Have you reason to know whether such requests are made upon good and sufficient grounds or not? A. Well, any man that asks me to see the doctor I always let him see him.

Q. You don't exercise your own judgment on the case? A. No, sir.

Q. Do you know whether such cases have met with proper treatment? A. Always when I took them.

Q. You always took them yourself? A. Yes, sir.

Q. Have you any knowledge of prisoners shamming? A. No, sir.

Q. Do prisoners often ask to see the chaplain? A. Yes, sir.

Q. For what purpose? A. I don't know.

Q. They don't state? A. No, sir; whenever a man in my company asks to see the chaplain I send his name to the chaplain and the chaplain always sends for him.

Q. The chaplain there every day? A. Yes, sir.

Q. Ever heard the prisoners complain of being obliged to work on Sunday? A. No, sir.

Q. Where are they on Sunday? A. In the chapel.

Q. After the chapel is over where are they? A. In their cells.

Q. In their cells the rest of the day? A. Yes, sir.

Q. Have you any knowledge as to the relative amount of work done in the prison compared with the same work done outside? A. I have never been in laundries outside, but I have been talking with the citizens and they tell me that there is girls in the Troy laundry that can iron from forty to fifty shirts.

Q. In a day? A. Yes, sir.

Q. And the convicts in the prison only do twenty-six? A. They are graded.

Q. But the average is twenty-six? A. Yes, sir.

Q. On the lower grade of shirts is the number more than twenty-six? A. No, sir — what we call commom calicoes, the task is thirty, and the fine shirts, task is twenty-six.

By Mr. BRUSH:

Q. The cheaper shirts are done by the learners? A. Yes, sir.

By Mr. KEYES:

Q. You spoke of having seen one case of paddling, did you? A. I have seen different ones.

Q. You didn't refer to any particular case? A. No, sir.

Mr. KEYES — I don't know as it is worth while to go into that.

Mr. O'BRIEN — I think not.

By Mr. KEYES:

Q. As to the punishment inflicted upon the prisoners, have you any reason to think that the punishments are any more severe than they should be? A. No, sir; they are not.

Q. Do you think that corporal punishment in any form or in that form could be dispensed with? A. No, sir.

Q. Don't you think confinement in the jail with a short allowance of food would answer the purpose without paddling? A. No, sir; I do not.

Q. What is the ground of your judgment? A. I think it is necessary to inflict paddling to maintain discipline.

Q. And without it there would be a spirit of insubordination? A. Yes, sir.

Q. Do you base your opinion on the sentiment of the prisoners and your general knowledge of matters in the prison? A. My general knowledge.

Q. Your general knowledge of the case? A. Yes, sir.

Q. You do know that the prisoners extremely dread paddling, do you? A. Yes, sir.

Q. And you think the paddling is a more effectual means of keeping the prisoners under subordination than the former modes in vogue? A. Yes, sir; I think it is necessary.

*Augustus A. Brush*, recalled, testified as follows:

I would like to say that Mr. Blodgett was appointed a guard, sworn as a guard, and ought to have known that he was a guard; the difference between the duties of a guard and a keeper is almost entirely in the discretion of the principal officers. Guards perform the duties of keepers in small, and what we call safe shops, when officers of experience are not needed, and sometimes for a long while will run small companies; a keeper might sometimes be called upon to do guard duty; in case of his running down with malaria or something of the kind, or rather can't be allowed to do the duty of a guard; all relief duty is done by guards and all night duty is done by guards, in fact we use our discretion; sometimes a guard will make a good keeper and he is appointed a keeper if we have a place for him. In regard to the quality of the meat, I don't know that it is necessary to testify, but I would say that we buy the meat from the same carcasses that the officers at West Point use, they get the best of it and we get the rest; I have never used a pound of bad meat there unless it was thrown in the dock.

Killoren called on me yesterday and expressed his intention to me of testifying whichever way I wanted him before you, but evidently wanted some money; I promptly showed him the door.

By Mr. KEYES:

Q. He came to your office at Sing Sing? A. Yes, sir; showed me a subpoena, called with a friend of his, this man that was here with him to-day.

There has been much said about the preference for State work; almost every convict in the prison prefers State work as it is now organized, as it is not regular State work; the State work we do is light work what we put invalids at — attending the halls, peeling potatoes. There is some work in the laundry where we have to have such men, they go around outside; every man in the prison now as it is organized would like to be on State work; when men are working down and show weakness we take them from the contract and give them what work we can; one two-thirds of the men in the prison never receive a reprimand from the time they come there until the time they go; it is only what the officers call dead-beats who receive the punishments. I have asked within the last ten days over three hundred convicts if they believed there was a man in the prison that had any trouble if he tried to behave himself and they all said they did not.

In regard to paddlings being necessary, I don't claim to be an experienced officer, but I know in the case of the excitement in warden Nelson's time the legislature passed a law abolishing paddling and the next day every man in the prison struck.



Q. They got the news so soon as that? A. They got it before the warden did — the prisoners write to me continuously to see me — whenever it is necessary I first require the keeper to ascertain if possible what he wants and if he can see to him without seeing me and if he will not be satisfied to see the principal keeper—if not, then to let him see me.

Q. Have you reason to think your instructions in that matter are complied with? A. Yes, sir; I am told they are; when I see them on the corridors I talk with them; when they write me a trivial letter I pay no attention to it; but in cases where they want to see me, to consult with me about any serious matter, I always see them; I am in the hall there nights in the week and Sundays; I believe that keepers do sometimes report the men for slight offenses; I believe that keepers do occasionally what we call nag a man; I take particular pains to discover whether that is true and if I am convinced that it is I always discharge the officer.

As to this doubling up, we have more applications to double than we do to single. Men, even prisoners, are social beings, and like to be together, and as a rule they like to be together rather than separate; in doubling up I am using all the cells in the old female prison for men who have a short term to serve.

Q. In your judgment wouldn't it be desirable, all things considered, that a man should be single? A. If I was to build a new prison to-day I would build two hundred cells for prisoners to be doubled up in.

Q. Cells of double the present size? A. More than double the present size; I would make it a reward of merit; sometimes an educated man likes to have an ignorant man in his cell with him and to teach him and I would have at least two hundred cells for doubling up in Sing Sing.

Q. But with the present cells do you think the doubling up system a good one? A. I don't think it has hurt our health at all; I don't think there is a prison in the world where the health is as good as it is in Sing Sing.

Q. What would you think of the propriety of a law or a rule of the prison allowing the prisoners to be paid for over-work; for instance when a prisoner gets a task done by noon, to allow him for the afternoon's work, money that he should receive when he leaves the prison? A. I am in favor of it, I believe it would take away nearly all our punishments, but I don't see how we could do it; I don't see how we could pay the engineer, the man in the starch room, in the engine-room, the tin man, the scratch-shop men or the polishing men.

Q. The difficulty then arises out of the contract system? A. No, sir, I don't know what you would do with the men on the State work.

Q. I mean with the men where they have a task? A. Then the other men would feel aggrieved; they would think that they were ill-treated, I think it would lead to ill-feeling among the men; a man that is all thumbs that is put into prison because he can't work if you put him with a man who is skillful and who gets his task done by noon he would feel ill-treated if the other man was paid for his extra work.

Q. Is there any thing further you would like to state? A. George Wood came under my personal attention; I saw his sister often he never complained to his friends or to me. Lynch was killed by an accident



before the men had quit ; he was killed by being too anxious to do his work. He was very anxious to do his work.

Q. Simply his own carelessness? A. Yes, sir.

Q. You heard the testimony of John Gray? A. Yes, sir.

Q. Have you any knowledge of the facts detailed by him? A. No, sir ; never saw him, to my knowledge, until to-day ; I have tried to correct all the abuses possible, and to save the prisoners from over-work. I found when I went there a few men that had a washover against them ; I stopped that, I am very glad to say that we have some contractors there that never try to impose upon the prisoners.

Q. What would you say to the allegation, Mr. Brush, that the interests of the contractors are made paramount to the interests of the prisoners and the proper order and discipline of the prison? A. It is so absolutely false as to be simply ridiculous, because any officer who simply wants to get along as easily as he can, would not want to report the prisoners ; the principal keeper is anxious to get along as easily as he can, and I know from his talk, and what I know myself, that he never punished a man except as a last resort.

Q. During your term in the prison has any contractor, or any agent of a contractor, ever approached you, directly or indirectly, to influence you in the order and discipline of the prison, so as to accrue to the benefit of the contractors? A. No, sir.

Q. Or has any person ever approached you, directly or indirectly, to influence you in that regard? A. No, sir.

Q. What have you to say as to the manner in which the present physician of the prison has discharged his official duties? A. I think it as near perfect as it is possible for a human being to do it.

Q. Have you ever discovered any undue harshness or severity on his part toward the prisoners? A. No, sir ; he is always kind to them ; he is very decided, but always uses good language, and he is always just.

Q. He has his sleeping rooms there? A. Yes, sir ; buys his provisions and has a stove there and cooks them, and never goes up town to his wife except on Sundays ; it is a life of seclusion.

Q. You have heard the testimony of the witness Gray, as to the language alleged by him to have been used by keeper Dixon on to him ; what have you to say as to that conversation? A. It is so inconsistent with the language and conduct of Mr. Dixon, and I have seen him in every emergency, that I don't think it is true.

Q. Would it be considered a breach of prison discipline for a prisoner, when asked if he would do his work, to reply that "I can't do my work"? A. It is simply the manner in which he says it ; we have a man locked up, now, that I have begged him to say that he would do his work ; his appearance and the way in which he says it is an insult to the person that asks the question.

Q. What is the name of the prisoner? A. Peterson.

Q. Are you in the habit of drafting men to that prison? A. The superintendent transfers men from one prison to another, we don't always know the reason.

Q. You are not responsible for that? A. No, sir.

Q. You don't know whether it is in the interest of the contractors, or not? A. Oh, we know about that ; it is generally the case of an

old mother, and the friends bother the superintendent, and tell him that the mother can never see her son, and the superintendent finally sends him back to Sing Sing.

Q. Has the witness Killoren been to the prison more than once since his discharge, in February last? A. Since, I have only seen him once.

Q. Can you state in detail the conversation that took place between you and him on that occasion? A. I came back Tuesday morning after leaving here; I went into the visitors' room, and Mr. Jackson said, there is Killoren, and I said, which one? and this man stepped forward. He said my name is Killoren, he had this friend with him who was here to-day; he was very pleasant, said, "How do you do, Mr. Brush;" I did not recognize him; he took out the subpoena, and says, "I had a subpoena last week to go to Albany, and didn't go; I gave them as a reason that I was under a financial embarrassment, but I had a hundred and eighty dollars in my pocket, proceeds of my lecture; I came here to see what you wanted me to do about it." "I want you to do just what you please." He said, "will you let this gentleman visit the prison?" I said, "I don't know that gentleman, and unless he has some letters from some one I know, he can't visit the prison;" he said, "I thought any gentleman of respectability could visit the prison;" I said, "not unless some one of respectability vouches for his respectability."

Dr. BARBER — I would like to have Mr. Connaughton state more fully about his taking men to see me.

*James Connaughton*, recalled, states as follows: I merely want to say that any man I took from the laundry that was sick, or said he was sick, he always excused him.

Dr. BARBER :

Q. You vouching for him? A. Yes, sir; the doctor asking me if he was a good man, and if I thought he was sick, he would always excuse him.

By Mr. O'BRIEN :

Q. Did you ever have any application to take a man to the doctor, when you refused? A. No, sir; I always take them to the doctor when they ask for it; I often take them when I go to dinner.

Mr. BRUSH — We have a morning call when every man who wants to can go to the doctor.

*John McMahon*, recalled, states as follows: In regard to this paddling, I want to state; they say that they paddle them until blood is drawn; I have seen a number of men paddled and I have never seen them paddled where blood was drawn.

By Mr. KEYES :

Q. Is there any other person here who has been subpoenaed here to-day.

Mr. BRUSH — Mr. Hyatt, the lodge-keeper; he can testify as to the general management.

Mr. KEYES — It would be going over the general ground of the management; I don't think we will trouble you [to Mr. Hyatt].  
 Matter adjourned, subject to the call of the chair.

### EXHIBIT A.

[New York Herald, Feb. 23, 1882.]

"Convicts under contract." An ex-keeper of Sing Sing makes some terrible disclosures. Infamous torture. How sick men are inhumanly punished and driven to death. The hospital record. Is the government of the prisons actuated by private greed? The contract system in prisons is just now receiving much attention from the legislators in this State and elsewhere, who have been forced to review the features of its operation by a growing public feeling which demands that justice shall be done both to the convict and the free artisan. It dates in the penal institution of New York from the appointment of Mr. Pilsbury to the office of superintendent of prisons in 1876. His term of five years expires in the present month and powerful influence is at this moment being employed on behalf of candidates who covet the succession; many charges have been broached against the contract system but none of them have yet been officially sounded. It has been said that the government of the prison is now virtually in the hands of the contractors and that they are absolutely obeyed in all matters affecting their interest. The recent appointment by the legislature of a committee to investigate all the prison contracts has fixed attention anew upon the subject. The reporter yesterday had an interview with Mr. Campbell at his residence No. 59 4 Grand street, during which a remarkable communication over his signature was submitted for publication in the "*Herald*." It is a recital of alleged facts that is likely to awaken a more intense interest in the course to be pursued by the legislative committee of investigation. The following is the communication referred to:

#### AN EX-KEEPER'S STATEMENT.

Knowing well the herculean task I have attempted and the fearful odds against which I have to contend in the persons of the contractors, superintendent and the wardens of the State prisons, still having for a number of years been in a position to obtain accurate information. I deem it a duty to expose the unchristian — nay inhuman prison system of the great Empire State as exemplified in the management of Sing Sing. I desire earnestly to awaken the interest of the people of this State so far at least as to induce them to see that a spirit if not of Christianity at least of civilization shall be infused into the management of an institution established for the punishment and if possible the reformation of those convicted of breaking the laws, but which under the present system have been prostituted from its legitimate object into a money-making concern for the enriching of a few favored contractors regardless of the dictates of humanity or common decency in the treatment of its inmates.

It is just and proper that convicts should perform labor in support

of themselves, but is there any justice in torturing them, outcasts and pariahs though they be, for the benefit of a few individuals? The moral effects of the system are even worse than the physical; I know whereof I speak, but language is inadequate to describe its horrors; Sing Sing is a moral leper house and the prison officials know it, yet no effort is made to arrest the evil, and why? Because to do so might reduce the gains of the contractors, the interest of the contractors. That is the Alpha and Omega. The law and the prophets unto the officials before which religion, morality, the interest of society or the dictates of common decency are swept away and lost sight of. The contractors when accused of controlling the prisons claim that they pay the State for the labor of the convicts and have a right to run the prison as they see fit; now while there might be some question as to their right, there is none as to the fact. They do unquestionably run them as they see fit. Let us now examine how they run Sing Sing. What religious or moral instruction is provided for these convicts, admittedly deficient in both religion and morality, yet expected, through the beneficent efforts of those into whose charge they have been committed, to become better members of society on their release? The answer is none except a short sermon of half an hour, a short prayer and the singing of a few hymns on Sabbath morning, conducted by a chaplain at a salary of \$2,000 a year, who is relieved of this arduous duty one Sunday of each month by a Catholic priest who celebrates mass. This is carried on about seven months of the year; during the remaining five months in the summer the chapel is closed, but even this limited instruction is denied to one-third of the prisoners who never go to church from year's end to year's end, many being compelled to work in the shops on Sundays in the interest of the contractors. There are men who have been in the prison for years and have never heard the chaplain preach. The chaplain is not to blame for this, however. He tried to introduce a system of night classes in the chapel, but the contractors had it broken up. It interfered with their interests, and convicts who were being worked to death in the day time needed all the rest they could get at night; and to all that is being done to improve the morals of the convict is like throwing a straw to a drowning man.

#### TREATED WORSE THAN BRUTES.

Charges have been made from time to time in a general way of cruelties practiced toward the convicts who were sick, maimed or disabled, who were unable to perform the task required by the contractors. It would require the pen of a Dante or the pencil of a Hogarth to adequately portray the scenes of horrible cruelty enacted daily. That men should be so brutalized by constant familiarity with human suffering and so devoid of manliness as to be capable of making ribald jests of the writhings under torture of even the vilest of human beings, and mocking at the screams of agony and cries for mercy seems almost incredible. How long would a man go unwhipped of justice who was found in the streets of New York working a sick or disabled horse and by constant flogging trying to make him perform the task of a sound one? yet this is precisely what is being done in Sing Sing day after day in order to satisfy the lust for gain of a few

greedy contractors who run the prison as they see fit, except that the victims not being horses but mere human beings, in other words convicts — they are abandoned to the tender mercies of their task masters; thus when they find themselves unable to perform their task they are either done to death slowly or seek relief in suicide or by maiming and crippling themselves, as so many have done; fancy three or four busy keepers seizing a puny wretch with consumption stamped upon his cadaverous features, suspending him by the wrists, with his toes touching the floor, removing his clothing so as to disclose to view a mere skeleton, quaking with terror, and then stepping aside to make room for another to apply the terrible paddle until the victim faints, and such are the desperadoes that are paddled. Why there is seldom an attempt made under the rule of those who run the prison as they see fit to paddle or dungeon some of the more healthy and powerful ruffians, no matter what their offense may be. Here is an illustration of this statement.

A redoubtable prize-fighter resides at the prison (it cannot be said that he is confined), a splendid specimen of muscular manhood; has his muscle been utilized on one of the contracts? What! ask Joe Coburn to work? Preposterous! no, he is treated with distinguished consideration and holds the position of runner in the mess-room, while there are a hundred cripples and consumptives, any of whom are able and would be glad to do this work; Joe can walk about the yard with his hands in his pockets, disdaining to fold his arms, while others are punished if they fail to do so; at night he is sent to sleep in what was formerly the female prison, situated outside of the prison walls, where, instead of being locked up as others are, he has the privilege of the building, and lest idleness might have an injurious effect on his muscular system, a set of Kehoe clubs have been provided for his exercise in the morning; in the evening he discusses his matutinal beef-steak, while the regular convicts take the regular hash; but who ever heard of a prize-fighter being fed on hash? Not for Joseph! lucky Joe! Doubtless, he could testify before any investigating committee that Sing Sing is the best conducted prison in the world; where is the influence? or is there money in it? How different his treatment from that of another Joe, by no means so robust or healthy, whom they alternately paddled and dungeoned, depriving him of his food until, as he declared, they broke his heart; I allude to "Gentleman Joe," who although he had never before performed any hard manual labor was placed, after his arrival there, on the foundry contract of Perry & Co., the hardest work in the prison, and being unable to do a task that would try the muscle of a Coburn was paddled and dungeoned until broken down; then he was put on an emery wheel and punished again until the emery dust which he inhaled completed what the paddle had begun; so after being removed to the library where he lingered five weeks he went, on December 22, 1880, to the hospital and complained of being very ill; the doctor drove him out, saying "I know you, you are playing sick to get hospital rations, you can't fool me;" that night Gentleman Joe died. Is comment necessary? I will add that eight months only on contract were required to do him up, he having been sentenced April 29, 1880.



## INSANE POLKATO.

Another case showing how convicts are treated when they become insane. Now, if there is any object on earth calculated to excite compassion and sympathy it is a man bereft of reason, but when thus afflicted by the hand of God how are convicts treated in a Christian community, in an institution run by contractors as they see fit? Listen, Francisco Polkato was sentenced for life; in less than a year he had lost the use of one of his eyes and had been driven insane by ill-treatment on the foundry contract. He was then transferred to the mess-room instead of the asylum; growing worse, instead of being sent to the hospital he was locked in his cell; naturally, he became noisy at night and disturbed the prison. In October, 1880, as a punishment for this conduct this insane man was showered, the apparatus used being a fire-hose with a one and one-half-inch nozzle and a pressure of about sixty pounds to the square inch; ask any New York fireman what the terrific force of water is when directed against a man at a distance of four feet. Polkato managed to evade the full force of the stream, but at length they got a direct shot at him, when thud, down he went like a felled ox; he was then dragged out and beaten unmercifully and that night was taken to the Auburn Insane Asylum.

George Wood, sentenced June 20, 1877, for ten years, in good health, was put to work on the shoe contract; he was a faithful workman, avoiding trouble, and by good conduct and not by acting the sycophant and toady tried to gain the approval of those placed over him, the result was that his health failed and consumption developed itself; he begged to be placed at work where he could breathe fresh air and thus prolong his life; his request was denied and through fear of the terrible paddle he labored on until completely broken down and unable to stand. He was placed in the hospital November 1, 1880, and died on the 17th of consumption, after having remained there seventeen days.

Frank Cunningham, sentenced December 17, 1880, was placed in the foundry where he was used up so rapidly that on being taken to the hospital February 22, 1881, he lived but two days, dying on February 24.

William W. Wills was so used up before being admitted to the hospital October 25, 1880, that he died November 1, 1880, five days afterward.

George Henry (colored) was in feeble health when sentenced for seven years April 22, 1880; notwithstanding his condition he was placed on the shoe contract, and repeatedly paddled and placed in a dungeon and deprived of his food; this treatment rendered him unfit for the shoe-shop; he was put at work in the hall after having been dungeoned for the last time; a few days in the hall and he was taken to the hospital, May 17, 1880, where he died on the 30th of the same month, thirteen days in the hospital:

Cornelius Lynch was sentenced Oct. 16, 1879, for two years and six months; this man was a machinist, and his life was sacrificed to avoid a few minutes stoppage of the machinery; he was ordered to make some repairs while the machinery was in motion, his clothes became entangled in the revolving shafting, and when extricated and carried to the hospital the doctor was not at his post of duty; he was cared

for by a convict who worked in the hospital, not a physician ; Lynch died in a few hours, worked to death.

William C. Brandon was sentenced March 30, 1878, for five years; this man was literally worked to death ; he was of more than ordinary intelligence and became an expert in fitting stoves ; there was no better conducted convict in the prison than Brandon ; he was quiet and respectful, and careful and diligent in his work ; when the dust from the deadly emery wheel had destroyed his health he begged of the contractor to give him some other work which would not affect his lungs, but he was a good workman, and so, of course, his prayer was denied. He then applied to the doctor, but he might as well have asked him for a new set of lungs, as to be asked to be taken from the shop after the contractors had refused, so Brandon continued at his emery wheel, bent over and bearing down with his breast on the piece of iron being ground, and inhaling emery dust with every breath ; his sufferings the last few months of his life were terrible, worn to a shadow, his features wore the pinched, cadaverous appearance which is the undoubted signet of death on the face of the consumptive. He had a terrible cough, and frequent hemorrhages from his lungs ; again and again he begged to be given a chance to live the few remaining months of his sentence, reminding his keeper that for three years he had worked hard for the contractors, and asked only to be taken from an atmosphere so impregnated with emery dust that at times the convicts would appear like figures moving in a fog ; the doctor would give him medicine, and at times even a cup of tea with oat meal and milk as nourishment, but to take him from the shop was probably more than he dare attempt, if he could keep him alive for a few months until his sentence expired. The contractors expected this from the doctor, what matter to them if he were dying ; did they not own him in consideration of fifty cents a day, paid to the State with a right to run him as they saw fit ? What if he died on the road-side after leaving prison ? In the few months which he had yet to serve he would earn the value of their fifty cents a day ten-fold ; well Brandon worked on, at times leaning against his bench his poor skeleton frame quivering with agony, and tears streaming from his eyes in his terrible fits of coughing ; those around him expected every fit to be his last, while he himself was vainly looking forward to the care and attendance he would receive when his sentence had expired. That time never came ; on the 4th of March, 1881, he tottered to the hospital at doctor's call and died on the 11th ; now is there any person of ordinary intelligence (I will not insult the medical profession by saying any physician) who believes that a man dying of consumption, suffering as this man did, is fit to perform hard labor, ten hours a day, until within six days of his death ?

James Mackinson (colored) sentenced Jan. 18, 1878, for ten years, in good health ; he was placed on Perry & Co.'s contract, and when his health failed, his lungs being affected, he was called a fraud, and paddled and dungeoned, and deprived of his food until unable to perform his task ; at last to prevent his dropping dead in the shop he was admitted to the hospital May 26, 1881, where he lived just four days, dying on the 30th.

Charles Smith (colored) sentenced Dec. 22, 1879, for two years ; this man was of light frame, like Gentleman Joe ; he was repeatedly paddled, and confined in the dungeon with loss of food because he was too



weak to perform the task required of him, the usual result followed; consumption marked him for its prey. Like Brandon his term was drawing to a close and the contractor would not let him be taken from the foundry; the doctor gave him occasionally Dover's powder, and ammonia and cough mixture, and only two days before being admitted to the hospital he drove him to his shop with threats of sending him to the doctor next door (meaning the place where the paddling is done). It is said that his keeper informed the deputy that he feared Smith would die in the shop, upon which he was admitted to the hospital May 19; he died May 30, 1881; eleven days in the hospital.

George Gaskins (colored) sentenced November 9, 1880, two years and six months, placed in the foundry when it required only seven months to do him up, when he complained of being sick he was called a fraud, and threatened with the paddle if he failed with his task; he persisted in being sick, and at length was admitted to the hospital June 4, 1881, and died on the 17th; thirteen days in the hospital.

#### BOYHOOD AND OLD AGE.

Edward Young (colored) sentenced June 2, 1880, two years and six months; this was a boy not sixteen years old, and small for his age, a mere child, yet he was placed on Perry & Co.'s contract, and being unable to do the task of a man he was repeatedly dungeoned at night, taken out in the morning without breakfast, paddled and sent to his shop; failing to do his task he went through the same course again, unless some of the other convicts got through their work earlier by driving up and helped him; although this little colored boy had but a short time to serve he never lived to be discharged; he was so small that he had to have a box under his feet in order to reach his work on the emery wheel, which other men had to stoop at; well the terrible paddle and loss of food and sleep in the cold damp dungeon with only the bare stones to lie on did the work; he was human although only a convict and broke down; he was not then taken to the hospital, but to the hall; after four weeks of work in the hall he had to be removed to the hospital, April 29, 1880, where he died May 16; evidently a very unhealthy season for colored men, five dying in one month.

Robert West sentenced May 26, 1880, three years and six months; West was a very old man, and badly ruptured; he was put in the foundry carrying heavy castings; he begged for lighter work but was refused, and struggled on to avoid being punished; he applied to the doctor, but received hard words, being called a fraud and threatened with the paddle; at length a week before he died he told the doctor the work was killing him, but he was driven back to the shop; although the doctor declared that there was nothing the matter with him he was unable to leave his cell the next morning; after being locked up a few days it is said his keeper reported him to be dying there; he was then carried to the hospital, September 2, 1881, and died September 8, six days afterward.

William Thompson, sentenced December 7, 1871, twenty years; the man worked in the foundry contract from the time it was established; he was a good, faithful and diligent workman who incurred no punishments, never tried to shirk his work and never asked the doctor

for even a day's relief; he labored on until from the stout robust little fellow he was, when he arrived, he became a mere wreck, a weak, puny, prematurely old man, with a shattered constitution, which promised to be an easy prey to any disease — in this condition on the 7th of last month (January, 1882) he went with his keeper to the doctor and asked to be excused from labor the remainder of that day; it is hardly necessary to add that his request was denied, and when he reminded the doctor that he had never been in the habit of troubling him and would not do so if he was able to work, he was cut short and told to go back to his shop and that there was nothing the matter with him; the next morning he was unable to leave his cell; instead of being taken to the hospital he was locked in his cold cell for two days — no steam being on in the day time — on January 10, he was carried to the hospital and died on the 14th; the doctor called it pneumonia, but cruelty and neglect, though not so euphonious or scientific, would describe the cause of his death more truthfully.

#### DEAD IN HIS CELL.

John Fox, sentenced October 3, 1878, two years; this boy was placed in the foundry and though suffering from consumption, was repeatedly punished until he became a pitiable object — his appeals to the doctor had no effect — that functionary gave him cough mixture and rung the changes on Dover's powders and ammonia with digitalis and Dover's powders, telling him there was nothing the matter with him, while the most ignorant convict could see the boy was dying with consumption; a few days before his death he was punished, though his corpse-like face and terrible cough which shook his miserable frame might have awakened pity in the breast of a Comanche; on the night of May 4, 1880, Fox's moans and cries in his cell attracted the attention of the night-guard who inquired "what in hell is the matter with you?" Fox asked to be taken to the hospital as he had a hemorrhage and felt that he was dying; the reply heard by convicts in adjoining cells was, "that be damned;" Fox then cried, for God's sake bring the doctor, but the guard knew better than to disturb the doctor for the sake of a dying convict and simply said no; sobs and moans were heard by the convicts for a while, then all was still; when his cell was unlocked in the morning Fox was found dead — dead and no hand to wipe the death-damp from his brow, none had held the cup of water, for which a blessing is promised, to his lips, his last earthly supplication denied, had passed into the presence of him who declared, inasmuch as ye have done it unto the least of these, ye have done it unto me; and I was sick and in prison and ye ministered not unto me; I wish the public to understand that the foregoing are but a few of the cruelties practiced in Sing Sing; I could write a chapter about men who have attempted suicide and the horrible tortures that led them to it — and yet A. A. Brush, warden of this den of iniquity, wishes to be promoted to the superintendency of all the prisons; will Governor Cornell disgrace the Empire State by such an appointment, and would a majority of the Senate bring lasting disgrace on themselves by confirming such a man? The working classes of this State demand the abolishment of the contract system, and with it the superior officers

of these institutions should be rooted out to make room for men of ability who have never been tainted with the infamous contract system.

E. R. CAMPBELL.

EXHIBIT "B."

NEW YORK, *March 18, 1882.*

Hon. JOHN J. O'BRIEN:

DEAR SIR — The inclosed letter is a sample of many that I am receiving from ex-convicts in relation to abuses they receive while serving at Sing Sing, it has been shown with others to the representatives of the public press of this city; I ask in justice that you will show it to the committee; ex-convicts are flocking to my house daily, telling me their grievances and thanking me with tears in their eyes for my endeavors to bring about some reform in the prisons; the newspaper offices are visited by many from day to-day, all declaring the truthfulness of the charges that appeared in the *Herald*.

Yours respectfully,

E. R. CAMPBELL,

594 Grand street.

EXHIBIT "C."

Mr. E. R. CAMPBELL:

DEAR SIR — Having seen from time to time your various statements in the papers, in reference to the abuses and inhuman conduct practiced at Sing Sing, by brutal keepers on prisoners confided to their care, and knowing your statements to be true in most cases, from my own personal experience, having been recently released from serving out a sentence, I offer to send you my statement or appear personally on the stand and give evidence, if it will benefit and keep you on in your good work. I served out a sentence of three and a half years, doing thirty-two months and a few days, and during that time knew of many of the cases which you speak of, Brandon, in particular, being a friend of his, also Anderson, the colored man; John More, who, you may say, was paddled to death; and James Robinson, who worked in the shoe-shop, a young, healthy fellow, at the time of his sentence, who, by neglect of the doctor, and ill-usage, contracted consumption and was forced to work within a few days of his death. My own case, in particular, I should like to ventilate, as showing principal keeper Dixon's cold-blooded, cruel and vindictive disposition. I was taken sick last July, prostrated and unable to work, applied to the doctor three times in one day to be excused, was refused and sent to work; appealed to the principal keeper Dixon, and was thrown into the dungeon, taken out the next morning and paddled and sent to work. From that treatment and sickness and treatment I never recovered; visited the doctor time and time and again; never would excuse me until, finally, I could not get out of my cell, and was supported by two men to the hospital, the doctor then excusing me for the day. For three days following was carried out to the hospital and each time returned to my cell. I cannot

give you all the details, but will say I am still a cripple and truly believe will remain so for the rest of my life. I have been discharged over a month, have taken the best care of myself, doctoring continually, but feel no improvement. Always had good health prior to my confinement at Sing Sing, and if I had had proper care and attention there, or the doctor had fulfilled the duties for which he was appointed and draws a salary, I would have been a well man to-day. If you think you can make use of any statement I make, and which, if necessary, I will get on the stand and swear to its truthfulness, be kind enough to drop me a line.

Yours respectfully,

JOHN GRAY.

123 West 27th st, New York city.

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EXHIBIT "D."

UTICA, N. Y., April 17, 1882.

*To the Hon. Committee of Investigation of Prisons, State of New York:—*

GENTLEMEN—I have received a clipping from the New York *Herald*, wherein Elihu Campbell says that I am a competent witness, and that I have not only seen convicts in punishment, but also joined thereat. True, I have seen water used on convicts and also other punishments administered, but, before God and my conscience, can say that as keeper and foundry superintendent I never spoke an unkind or untruthful word to a convict, for the further proof of which I submit to every convict that knew me. And what should induce Mr. Campbell to speak of me as one who would jeer a fellow man in trouble is past my comprehension, and so I am charitable enough to ascribe it to ignorance, rather than maliciousness on his part. Gentlemen, do not think me officious if I call your attention to one or two abuses at the prison in Sing Sing, and for which the State is to blame. God has planted in the feelings of even the most degraded some little source of natural delicacy, and even convicts should have a place to bathe where their nudity can be shielded better than for one convict to hold a towel or shirt before their fellows, when washing. If they are not Godly, believe me, a large majority are cleanly, as their circumstances will admit and it should be encouraged. But the monster wrong is the double or triple cell system; it cries to heaven to be remedied and now seems to me the proper time to move in this matter. In those double cells scenes are enacted which are so loathsome and disgusting they cannot be written and at which angels well may weep and the very friends of Hell clap their hands and dance for joy—I appeal to you as fathers—brothers—lovers of humanity ever to urge your brother assemblymen to pass a law that one convict only shall occupy a single cell. Be the leaders in this movement and your names will shine with a lustre as prison reformers and your memories live hereafter in the hearts of every mother, sister, daughter and the pure women and

good citizens of our land — in their names I appeal to you and beg do not pass this matter idly by.

Very respectfully yours,

NORMAN BURDIC.

My address is Sing Sing, N. Y., or Albany N. Y., care Perry & Co

EXHIBIT "E."

NEW YORK, *April 4, 1882.*

DEAR SIR — In reading in the *Herald* of what it terms the Star Chamber investigation at Sing Sing I was surprised at the manner in which the testimony of convicts were taken and at the testimony in general; as I have served a term in Sing Sing I know something of the manner in which it is conducted; now the opinion is in general with the community that your committee mean to white-wash this matter and that is the opinion any person would form who has ever been connected with that institution in my capacity; now granting that such is not the case and that you really mean to get at the bottom facts what facilities have you to do this? What protection can you guarantee to convicts who have time to serve to encourage them to testify to truths as against the warden and his management. Have not the convicts been schooled for this investigation since your committee was appointed; in fact has not the warden been preparing for this since last fall when Campbell's first article appeared in a New York paper on Oct. 30, and with several other articles of his found their way into the prison and was read by myself and a hundred other convicts, and was it not natural that convicts should use every means to inform Campbell of the cruelties that were taking place — to assist him in bringing about an investigation and also possibly some reform? The convicts looked upon Campbell as a "saviour" for many of them knew that he (while in the prison) openly denounced the management and said he was ready to be discharged at any time, and would go to the front and use every means to bring about some reform, and did he not keep his word? Why, sir, I sent to him a few days before your first meeting at Sing Sing (I being in the prison at the time) an account of a terrible cruelty inflicted on a life convict named John Daly who on refusing to give up a piece of paper he was seen to have was set upon by keepers Hornbeck, Middleton and Mackin and beaten by heavy canes or clubs until he was insensible, breaking his arm and bruising his head and body in a terrible manner, in which condition he was carried to the hospital nearly dead where he lay at the very time of your first visit to the prison — all this punishment was unlawful and in violation of officers' instructions which you will find in the printed book of rules. When I was discharged I called on Mr. Campbell and asked him if he had given those facts to the press and committee and he said he had not — he said he was receiving so many communications from what he supposed came from keepers — convict and citizen — in the prison that he was overwhelmed with them, and this one in particular seemed of such a terrible nature that he had a suspicion that it might possibly be a job with no truth in it and might have emana-



ted from Brush himself with a view to get him (Campbell) to publish it and then have it proved a fabrication. "But it was true as Gospel." Now if your committee was desirous of doing the fair thing in this matter why did they not consult privately with Campbell and take him in their confidence and he could have shown to you a way to proceed in which you could have got at the bottom facts. But instead of this he claimed you showed him no courtesy either at Sing Sing or Albany and in your leading questions to witnesses you seemed anxious to bring out any thing you could of a damaging nature as to his action in this matter or as to his discharge, etc., etc. Now myself and many others having knowledge of many facts in this matter — have read the published testimony of the doctor and warden as far as taken, and that testimony proves them both to be unprincipled falsifiers and men who have no regard for the sanctity of an oath, and Campbell says that after the meeting at Albany where he had some words with you he became suspicious and consulted with a number of prominent lawyers and legislators in Albany at the time, and he is now acting under their advice, patiently waiting for your verdict, for he thinks that this prison matter will enter largely into the next campaign and all candidates will have their record shown up in full—and those against prison reform will be denounced by the press and every labor union in this State, and Mr. Campbell is being well received, and at every meeting at which he speaks he is accorded a vote of thanks for the interest he has taken in this matter; now sir there is a great hue and cry made about a paper or statement that was found in a convict's cell; well if such a paper was truly found there is no doubt that the truth of horrible atrocities were there stated, and why don't your committee give that paper to the public press; suppose it was intended to fall into Campbell's hands, it is a well known fact that Campbell published all these charges in many articles to the papers — some of them before the last election and before any thing had been written by convicts and before he had received any information from inside the prison. Campbell claims that Brush dare not give that paper found in the cell to the press for publication. Inclosed you will find a few slips that may not have come under your notice, and if by this letter I have rendered the slightest aid to reform in the prisons I shall feel gratified in having done a service to the poor unfortunates that I left behind me there.

Sincerely and truly yours, ex-convict,

Hon. Mr. KEYES,

*Chairman Committee.*

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#### "EXHIBIT F."

Rules and regulations for the guidance of keepers, guards, contractors and employees at Sing Sing prison.

1. No task will be raised by any contractor in this prison, or extra work allowed to be done except by consent of the agent and warden, or the principal keeper.

2. Whenever a task is raised or additional work to be performed, the request must be issued in writing by the principal keeper, and his

order in writing must be given to the keeper of the shop in which the extra task is required.

3. No contractors, superintendent, foreman or instructor will hereafter be allowed to converse with the convicts as to the quantity of work they must perform; after clearly stating to the convict how the work required shall be performed, should the convict fail to perform said work, it shall be duty of the instructor to report the same at once to the keeper and leave the matter in his hands.

4. No superintendent, foreman or instructor will hereafter be allowed to converse with convicts except so far as may be necessary to instruct them in their work.

5. No contractor or any person in his employ shall be allowed to give to any keeper, guard or convict a present, or reward of any description whatever, without the consent of the agent or warden.

6. Foremen and instructors will hereafter be required to remain in the shops where they are employed until the blowing of the whistle at noon and night.

7. The keeper of each shop shall record in a book kept for that purpose and furnished by the contractors the task required of each man, and shall see that the task approved by the principal keeper is performed in a proper and workmanlike manner.

8. Keepers or guards will not be permitted to converse with convicts in any company except the one they have in charge, and then only in relation to their work or conduct, nor permit convicts to speak to any person, or any person to speak to any convict in their company.

9. Keepers will not be allowed to converse with foremen or instructors in their shop, except in matters strictly appertaining to business, or allow foremen and instructors to congregate together, and instructors must be required to remain in their several positions, so that convicts shall not be delayed at their work for want of proper instruction.

10. No one officer or citizen will hereafter be allowed to bring into or take out for a convict any letters, papers, eatables, wearing apparel or any thing of any description whatever without the consent of the agent and warden, or principal keeper; a violation of this rule is punishable by the law of the State.

11. No one officer or citizen will be allowed to receive any present of any description or kind from a convict, nor will any keeper permit fancy articles to be made by convicts in the various shops of the contractors.

12. Any foreman, instructor or citizen employed in the yard who violates the above rules will not be allowed again to enter the prison; any officer who violates or fails to enforce the above rules, or being unable to enforce the same, fails to report to the principal keeper, will at once be dismissed the service.

Approved.

A. A. BRUSH, *Agent and Warden.*

LOUIS D. PILSBURY, *Superintendent State Prisons.*



## SECTION E.—P. MACKIN'S WORK BOOK.

Floor.	Task.	(3) Monday.	(4) Tuesday.	(5) Wednesday.	(6) Thursday.	(7) Friday.	(8) Saturday.	Short.	Over.
	APRIL, 1882.	F. G. B.	F. G. B.	F. G. B.	F. G. B.	F. G. B.	F. G. B.		
1 24	Geo. Riley.....	48 25 50 22	48 25 48 22	48 25 49 22	48 25 50 22	48 25 49 1 22	48 25 50 22	X	103 8
3 22	Mike Doris.....	23 22 4 40	23 22 48	23 22 2 36	23 24 23	23 23 24	23 22	7	3
5 24	Wm. Wilson.....	24 46 44	25 48 44	18 36 44	T T 44	T T 44	T T 40	X	43 6
7 19	Wm. Kieswetter...	19 42 2 18	19 44 24	19 43 1 26	20 51 26	10 42 2 26	15 39 1 26	....	195 7
9 22	Bernard Finnegan..	17 18 19	21 25 18	23 22 4 19	24 30 18	24 30 18	24 30 18	...X	74 13
11 18	Henry Stilljes.....	21 18 1 34	18 14 3 34	21 21 34	20 20 34	20 18 34	20 19 34		92 5
13 17	Wm. Bierck.....	18 27 7 3	19 34 19	18 34 18	18 36 18	18 36 18	18 35 18	X	76 5
15 24	Dan Reardon.....	T T 1 46	T T 18	T T 1 26	T T 2 26	T T 26	T T 20	....	24 423
17 20	John Francis.....	23 52 23	15 17 1 15	22 36 1 22	22 34 22	22 33 22	22 31 22	....	82



# EXHIBIT G.

## SECTION E.—P. MACKIN'S WORK BOOK.

Floor.	Task.	APRIL, 1882.								Short.	Over.
		(3) Monday.	(4) Tuesday.	(5) Wednesday.	(6) Thursday.	(7) Friday.	(8) Saturday.				
		F. G. B.	F. G. B.	F. G. B.	F. G. B.	F. G. B.	F. G. B.	F. G. B.			
2	22	Jas. Thompson....	22 23	22 23	1	X	32 36	32 36	X	92	
4	24	Jos. Peck.....	24 25	24 24	1	T	24 26	24 25	....	7	
6	1	Alex. Thompson...	1 1	1 1	3 3	1 1	1 1	1 1	....	81	
8	1	Chas. Tabor.....	1 1	1 0	1 2	1 1	1 1	1 1	X	9	
10	1	John Robertson....	5 4	5 4	2 1	1 1	1 1	1 1	....	19	
12	2	Jas. McCann.....	2 2	2 2	2 2	2 3	2 2	2 2	X	2	
14		John McGuire.....	H H	H H	H H	H H	H H	H H	....	5	
16	2	Thos. Faley.....	3 4	3 4	3 4	3 4	3 3	3 4	X	16	
18	21	Wm. Deitzen.....	32 35	32 33	32 37	32 42	T	22 22	...	5	
			28 35	22 33	23 37	23 42	X	22 22		86	
										10	
										12	



**SECTION E.—P. MACKIN'S WORK BOOK.**

Floor.	Task.	April, 1882.		(10)		(11)		(12)		(13)		(14)		(15)		Short.	Over.
		Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.					
		F. G. B.		F. G. B.		F. G. B.		F. G. B.		F. G. B.		F. G. B.		F. G. B.			
1	24	Geo. Riley.....	48 25 22 23	49 50 23 23	48 25 22 23	50 23 23 23	48 25 22 23	50 23 23 23	48 25 22 23	50 23 23 23	48 25 22 23	50 23 23 23	48 25 22 23	50 23 23 23	48 25 22 23	X 5 ....	111 8 5
3	22	Mike Doris.....															
5	24	Henry Wilson.....	T 44 19 26	T 40 20 24	T 40 20 24	T 46 46 28	T 44 20 25	T 50 50 26	T 44 20 24	T 49 49 27	T 44 20 25	T 49 49 27	T 44 20 25	T 49 49 27	T 44 20 25	X .... X	18 136 13 80 13 91 11 67 14
7	20	Wm. Kieswetter...															
9	22	Bernard Finnegan.	24 18 20 34	29 18 18 34	28 18 19 37	28 18 19 37	27 19 20 43	26 18 23 T	26 18 23 T	27 19 20 43	27 19 20 43	27 19 20 43	27 19 20 43	27 19 20 43	27 19 20 43		
11	19	Henry Stilljes....															
13	17	Wm. Bierck.....	18 34	37 34	37 34	4 4	44 43	3 3	3 3	44 43	44 43	47 47	47 47	49 49	49 49	X .... X	21 449 34
15	24	Dan Reardon.....	T 26 22	T 26 22	T 26 22	2 27	2 27	9 33	9 33	3 33	3 33	4 32	4 32	4 32	4 32		
17	20	John Francis.....															

19 24	John Dean.....	48	26	52		48	26	51		48	26	50		48	26	50	1	X	85
21 21	Pat Hayes.....	48			1	38				51				58				....	16
23 18	Robert Dill.....	66	24	47	1	18	38		1	19	57	3		21	58	2	3		22
25 24	Jas. Williams.....	24	19	68		66				66				66			1	X	16
27 20	Jas. Riley.....	40	26	23	1	24	20	71		24	20	73		19	69			4	119
29 24	Pat O'Rourke.....	22	26	23		26	26	26		26	26	26	1	24	26	26		....	29
31	Jas. Davis.....	48	40			40	40			40				40				....	9
		22	22	44	1	21	21	42		21	41			21	41			....	30
		48	48			48	48			48				48				....	12
		25	25	50		26	26	51		20	40			T	T		3	X	19
		13	13			13	14			14				16					9
		13	13	13		13	14	14		14	14			16	16	15		X	X

# EXHIBIT G.

## SECTION E.—P. MACKIN'S WORK BOOK.

Floor	Task	April, 1882.		(10)		(11)		(12)		(13)		(14)		(15)		Short.	Over.
		Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.					
		F. G. B.		F. G. B.		F. G. B.		F. G. B.		F. G. B.		F. G. B.		F. G. B.			
		32		32	2	32	3	32		32		32	1	32		102	
2	21	23	36	23	33	23	36	23	36	23	36	23	36	23	36	....	21
4	24	24		24		24		24		24		24		24		....	90
		26	25	25	25	26	26	26	26	26	26	26	25	26	24	X	7
		1		1		1		1		1		1		1			21
6	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	....	5
8	1	1		1		1		1		1		1		1		....	1
		1	0	1	1	1	1	1	1	2	2	1	1	1	1	....	9
10	1	1	1	2	2	1	1	1	1	1	1	1	1	1	1	....	1
		2		2		2		2		2		2		2		X	4
12	2	2	2	2	2	2	1	2	1	2	2	2	2	2	2	....	
																	11
14		H	H	4	3	4	4	4	4	4	4	4	4	5	6	....	20
		3		6		6		6		5		5		6			1
16	2	2	3	3	4	3	6	3	6	3	5	4	6	4	6	....	94
		22		22		22		22		22		22		22		....	11
18	22	22	22	23	22	1	T	T	T	23	23	23	23	23	22	....	37

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[illegible]

# EXHIBIT G.

## SECTION E.—P. MACKIN'S WORK BOOK.

Floor.	Task.	April, 1882.	(17) Monday.	(18) Tuesday.	(19) Wednesday.	(20) Thursday.	(21) Friday.	(22) Saturday.	Short.	Over.
			F. G. B.	F. G. B.	F. G. B.	F. G. B.	F. G. B.	F. G. B.		
1	23	Geo. Riley.....	48 24 50 22	48 25 49 22	48 25 48 22	48 25 50 1 22	45 24 46 22	34 21 34 3 22	X	119 6
3	22	Mike Doris .....	22 23	23 22	23 23	23 27	23 22	23 22	....	242
5	18	Jas. Davis.....	2	1	.....	18 18	18 16	18 18	....	7 201
7	24	John Dean .....	30 20 30	30 20 28 1	30 20 30	Dean. 22	26 52	26 55	X	11
9	22	Bernard Finnegan..	22 27	24 30	24 27 2	24 23 1	24 24	24 24 2	....	90
11	19	Henry Stilljes.....	28 19 27 1	28 21 31	28 21 28	25 21 27	25 21 24 1	25 21 29 2	....	14 99
13	15	Wm. Bierck .....	43 17 47	38 17 40	38 17 42	32 16 35	32 16 35	32 16 38	X	9 66
15	22	Dan Reardon.....	1	.....	.....	26 26 31 1	14 13 1	21 19 1	X	22 21
17	21	John Francis.....	26 20 33 5	26 22 32 1	26 22 31 1	26 20 26	21 21 21 1	21 22 3	....	463

19 22	John Dean.....	48	24	57	3	48	28	55	48	26	52	1	48	26	51	X	X	X	19
21 23	Pat Hayes.....	43	21	47	2	46	23	47	2	46	24	45	2	46	24	47	46	48	95
23 18	Robert Dill.....	56	18	61		56	19	60		56	19	59		56	19	60	19	60	23
25 24	Jas. Williams.....	24	24	24		24	25	25		24	25	24		26	25	25	26	26	36
27 20	Jas. Riley.....	40	20	42	2	40	22	40		40	22	43		21	42	2	21	41	9
29 24	Pat Orourke.....	48	24	50		48	25	50	1	48	25	50		48	26	49	48	52	138
31 26	Stringer.....	16	16	17		16	16	16		16	16	16		21	27	3	19	30	24
																			3
																			5
																			41
																			8
																			27
																			9

## EXHIBIT G.

## SECTION E.—P. MACKIN'S WORK BOOK.

Floor.	Task.	(17) Monday.	(18) Tuesday.	(19) Wednesday.	(20) Thursday.	(21) Friday.	(22) Saturday.	Short.	Over.
	April, 1892.	F. G. B.	F. G. B.	F. G. B.	F. G. B.	F. G. B.	F. G. B.		
2	21 Wm. Deetzen.....	32 21 34 1	32 23 36	32 23 36 1	32 23 35	32 23 36 1	30 17 30	....	117 17
4	24 Jos. Peck.....	24 24 25	24 26 24	24 26 25	24 26 26	24 26 26	24 26 26	X	90 8
6	3 Alex. Thompson...	4 3 4	4 3 4	4 3 4 1	3 3 4	4 3 4	3 3 4	....	21 3
8	2 Chas. Tabor.....	2 2 2	3 3 3	T T	3 3 3	3 3 3	3 3 3	....	4
10	1 John Robertson ..	1 1 1	4 4 4	5 5 4 1	4 4 4	5 5 5	5 5 5	X	10 3
12	3 James McCann....	3 3 4	4 4 4	4 4 4	4 4 3 1	5 5 5	2 2 2	....	11
14	4 Chas. Fordham....	4 4 4	4 4 4	4 4 4 1	4 4 4	7 5 8	4 5 5	....	11 19
16	4 Thos. Foley.....	6 4 4 2	6 4 6 2	6 4 6 2	6 4 6	5 4 5	6 4 6	X	96
18	22 Hanlen.....	22 22 23	22 23 23	22 23 21 1	Hanlen.	22 23 21 1	22 23 20 2	....	

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# EXHIBIT G.

## SECTION E.—P. MACKIN'S WORK BOOK.

Color.	Task.	(24)		(25)		(26)		(27)		(28)		(29)		Short.	Over.
		Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.			
	April, 1882.	F. G. B.		F. G. B.		F. G. B.		F. G. B.		F. G. B.		F. G. B.			
1	20	16	1	24	1	35	35	35	1	35	1	35	1		125
		14	16	15	24	20	35	21	34	1	37	21	37	X	4
3	22	22		22		22		22	2	22		22		....	3
		23	23	23	23	23	23	23	24	23	23	23	23		7
5	18	18		18		18		18		18		18			
		18	1	18	18	18	18	18	18	15	3	T	T	X	.....
7	24	48		48		48		48		48		48			118 12
		26	52	26	48	26	52	26	50	26	52	34	60	....	14
9	22	22		22		22	1	22		22		22			101
		24	1	24	22	24	24	24	22	24	23	24	22	X	5
11	19	25		25		21		19		19		19			101
		21	1	21	26	21	22	21	20	21	21	21	21	....	10
13	15	32		32		32		25		25		25			85
		16	36	16	36	16	36	16	25	16	25	16	27	....	14
15	22	X	2	X	X	X	X	22	1	22		22	4		18
		21		20		20		22	21	23	22	23	22	X	
17	20	22	3	20	20	21	21	22	22	21	21	11	4	....	479
													7		4

19/22	Bernard Carney...	34	22	36	34	23	37	36	22	35	1	T	T	34	21	34	2	36	33	38	X	
21/23	Pat Hayes.....	46	23	45	1	46	42	4	46	47		46	45	1	46	45	1	48	25	50	....	3
23/19	Robert Dill.....	56	23	60		58	60		58	60		58	59		58	61		58	20	58	....	156
25/24	Jas. Williams.....	19	60			20	60		20	60		20	59		20	61		20	58		....	12
27/20	Jas. Riley .....	24				24	26		24	25		24	26		24	25		24	24	24	X	8
29/24	Pat Orouke.....	26	26			26	26		26	25		26	26		26	25		26	24		....	49
31/20	Alfred Stringer....	40				40	43		40	43		40	40		40	41		40	38		....	10
		22	43			22	43		22	43		21	39	1	21	41	2	20	38	2		30
		8				48			48			48			48			48		3		
		26	51	3		26	52	1	26	52		25	50	3	36	52	1	26	51		X	
		30				30			26		6	35			35			35		3		
		22	30			21	31		16	21	5	20	33	2	21	39		20	31	4	130	



# EXHIBIT G.

## SECTION E.—P. MACKIN'S WORK BOOK.

Floor.	Task.	April, 1882.	(24)		(25)		(26)		(27)		(28)		(29)		Short.	Over.
			Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.			
			F. G. B.		F. G. B.		F. G. B.		F. G. B.		F. G. B.		F. G. B.			
			34	1	19	2	24	1	24	24	24	1	24	1		127
2	24	Wm. Deetzen.....	21	34	19	1	24	23	1	24	24	1	24	23	....	95
4	24	Jos. Peck.....	24		24		24	3		24	24		24		X	6
			26	25	26	26	26	24	25	25	26	24	26	26		24
6	3	Alex. Thompson...	4		3		3		1		3		4		....	1
			3	4	3	3	3	3	2	2	3	3	3	4		2
8	2	Chas. Tabor.....	3	2	3	3	3	3	3	3	2	2	2	2	X	9
			2		2		2		2		2		2		....	1
10	1	John Robertson....	2	2	2	1	2	2	2	2	4	3	3	2	....	4
			2		2		2		2		2		2			11
12	3	Jas. McCann.....	2	2	4	3	2	2	3	2	3	3	2	2	X	
			T	T	T	T	T	T	T	T	T	T	T	T	....	
14	4	Chas. Fordham....	3		3		3		3		3		3			15
16	4	Thos. Foley.....	3	4	3	4	3	4	3	4	3	4	3	4		6
			22		22		22		22		22		22		129	9
18	22	John Hanlen.....	23	17	23	22	24	17	23	15	23	20	35	31	....	

20	22	John Brandt.....	20	20	2	20	20	1	22	22	22	1	22	21	1	T	2	41
22	24	Thos. Bennett.....	21	20	2	20	20	3	24	22	23	22	23	21	4	T	4	10
24	21	John Carberry.....	24			24	26		24		24	29	24	26		24		17
			33	34		27		1	27	30	27	29	27	26		27		21
			36			36			36		36		35			35		8
			22	38		22	37		22	27	22	38	21	36		21	X	



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